

# **MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL**

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## APPENDIX A

<b>ADVISORY COUNCIL MEMBERS</b>		
<b>LABOR</b>		<b>BUSINESS</b>
<b>William H. Carnes, (Chair)</b> Teamsters Union, Local 25 544 Main Street Boston, MA 02129-1113 Tel: (617) 241-8831      FAX: (617) 242-4284		<b>Edmund C. Corcoran, Jr., (Vice Chair)</b> Manager, Disability Program/WC, Raytheon 141 Spring Street Lexington, MA 02421-7899 Tel: (781) 642-4015      FAX: (781) 642-4124
<b>Robert Banks</b> J.A.C. Iron Workers, Local 7 195 Old Colony Avenue South Boston, MA 02127 Tel: (617) 268-0707      FAX: (617) 268-0998		<b>Jeanne-Marie Boylan</b> Boston Sand and Gravel Company 169 Portland Street Boston, MA 02114-1712 Tel: (617) 227-9000      FAX: (617) 523-7947
<b>Frank Fanning</b> SEIU-Local 254 11 Beacon Street Boston, MA 02108 Tel: (617) 367-7360      FAX: (617) 367-7372		<b>Antonio Frias</b> S & F Concrete Company 1266 Central Street, P.O. Box 427 Hudson, MA 01749 Tel: (978) 562-3495      FAX: (978) 562-9461
<b>Lawrence Morrisroe</b> Carpenters' Union 350 Fordham Road, Suite 4 Wilmington, MA 01887 Tel: (978) 658-5520      FAX: (978) 658-8998		<b>John Gould</b> President, AIM 222 Berkeley Street, P.O. Box 763 Boston, MA 02117-0763 Tel: (617) 262-1180      FAX: (617) 536-6785
<b>John J. Perry</b> Teamsters, Local 82 330 Dorchester Street South Boston, MA 02127 Tel: (617) 269-6868      FAX: (617) 269-6914		<b>Joseph Tamulis</b> T Equipment Corp. 170 Granite Avenue Dorchester, MA 02124-5431 Tel: (617) 282-7610      FAX: (617) 265-5568
<b>EX-OFFICIO</b>		<b>EX-OFFICIO</b>
<b>Angelo Buonopane</b> Director, Dept. of Labor & Workforce Devel. One Ashburton Place, Suite 2112 Boston, MA 02108 Tel: (617) 727-6573      FAX: (617) 727-1090		<b>Carolyn E. Boviard</b> Director, Dept. of Economic Development One Ashburton Place Boston, MA 02108 Tel: (617) 727-8380      FAX: (617) 727-4426
<b>CLAIMANT'S BAR</b>	<b>INSURANCE</b>	<b>VOCATIONAL REHAB.</b>
<b>Alan S. Pierce</b> Alan S. Pierce & Associates 27 Congress Street Salem, MA 01970 Tel: (978) 745-0914 FAX: (978) 745-1046	<b>J. Bruce Cochrane</b> Cochrane and Porter 70 Hastings Street Wellesley, MA 02181 Tel: (781) 239-1162 FAX: (781) 431-0222	<b>Carol Falcone</b> Falcone Associates 15 Cliff Road/ Brier Neck Gloucester, MA 01930 Tel: (978) 281-4275 FAX: (978) 281-4275
<b>STAFF</b>		
<p style="text-align: center;"><i>Denise A. Lucciola, M.P.H., Executive Director</i>  <i>Andrew Burton, Research Analyst</i>  <i>Ann Helgran, Paralegal</i></p>		

## **APPENDIX B**

### **Terms of Advisory Council Members**

#### **Voting Members**

#### **Term Exp. Date**

William Carnes	(labor)	6/25/02
Antonio Frias, Sr.	(business)	6/25/01
Frank Fanning	(labor)	6/25/01
Jeanne-Marie Boylan	(business)	7/01/99
Robert Banks	(labor)	6/25/00
Edmund Corcoran	(self insurer)	6/25/99
Lawrence Morrisroe	(labor)	6/25/99
Joseph Tamulis	(small business)	6/25/98
John J. Perry	(labor)	6/25/98
John Gould	(business)	6/25/95

#### **Non-Voting Members**

Alan S. Pierce	(bar)	6/25/03
Carol Falcone	(rehab)	6/25/00
J. Bruce Cochrane	(insurance)	6/25/97
Angelo Buonopane Director, Dept. of Labor & Workforce Development		Ex-Officio
Carolyn E. Boviard Director, Economic Development		Ex-Officio

## **APPENDIX C**

### **Agenda - Fiscal Year 1999**

#### **July 15, 1998**

DIA Update

Action Items

Minutes June 24, 1998

Budget Update

Employer Assessments

Executive Director Update

Miscellaneous

#### **August 12, 1998**

DIA Update

Action Items

Minutes - July 15, 1998

Legislation

Miscellaneous

#### **September 9, 1998**

DIA Update

Action Items

Minutes - August 12, 1998

Advisory Council Budget

DIA Emergency Regulations

Executive Director Update

Miscellaneous

#### **October 21, 1998**

DIA Update

Executive Director Update

Advisory Council Review of Rate Filing

Judicial Appointments

Miscellaneous

#### **November 18, 1998**

DIA Update

Wage Benefit Study Presentation - Ann Conway, Tillinghast

Legislation - Terms of Judges (H.5042)

Action Items

Minutes - October 8, 1997

Executive Director Update

i. insurance manual

ii. rate filing hearing

Miscellaneous

**December 8, 1998**

DIA Update

Action Items

Minutes – November 18, 1999

Fiscal Year 1998 Annual Report – Concerns & Recommendations

Executive Director Update

Miscellaneous

**January 13, 1999**

DIA Update

Fiscal Year 1998 Annual Report – Concerns & Recommendations

Subcommittee Update – Executive Director Search

Action Items

Minutes - December 10, 1998

Executive Director Update

Miscellaneous

**February 10, 1999**

Executive Director Interviews

A. John F. McPartland 8:45 A.M.

B. Denise A. Lucciola 9:00 A.M.

DIA Update

Action Items

Minutes – January 13, 1999

Executive Director Update

Miscellaneous

**March 10, 1999**

DIA Update

Vendor Presentations - Analysis of Insurance Rate Filing

A. Deloitte & Touche LLP

B. PriceWaterhouseCoopers

C. Tillinghast - Towers Perrin

Subcommittee Updates

A. Legislation Subcommittee

B. Budget Subcommittee

Action Items

Minutes – February, 1999

Executive Director Update

Miscellaneous

**April 14, 1999**

DIA Update

Senior Judge Jennings

Stop Work Orders

Budgetary Matters

Status Report of MUTTS - Bob Davis, Executive Director, HCSB

Vendor Update - Tillinghast - Towers Perrin – Ann Conway

Action Items

Minutes – March, 1999

Executive Director Update

Miscellaneous

**May 12, 1999**

Judicial Appointments

DIA Update

Senior Judge Jennings

Stop Work Orders

Budgetary Matters

Vendor Update - Tillinghast - Towers Perrin - Ann Conway

Status Report of MUTTS/CHER - Bob Davis, Executive Director, HCSB & Guests

Action Items

Minutes – April, 1999

Executive Director Update

Miscellaneous

**June 8, 1999**

DIA Update

Vendor Update - Tillinghast - Towers Perrin, Ann Conway

ARAP Speakers:

Dan Cook, American Risk Management

Howard Mahler, WCRIB

Action Items

Minutes – May, 1999

Executive Director Update

Miscellaneous

## APPENDIX D

### FY'99 Office of Safety Proposals Recommended for Funding FY 2000

1. Town of Barnstable  
367 Main Street  
Hyannis, MA 02601  
(508) 862-4653  
**Title:** Occupational Safety and Health Training and Education Grant  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Cape Cod Area  
**Program Administrator:** Nancymarie Schwinn  
**Total Funds Requested:** \$22,649.40    **Approved:** \$22,649.40
  
2. Advanced Therapeutic Resources  
157 Elm Street  
Amesbury, MA 01913  
(508) 388-6775  
**Title:** Preventing Musculoskeletal Disorders at Five Different Companies Through Education and Ergonomics  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Julie Cicalis  
**Total Funds Requested:** \$23,790.00    **Approved:** \$23,790.00
  
3. Virginia O'Brien Gutierrez  
12 Moccasin Path  
Natick, MA 01760  
(508) 647-0923  
**Title:** The Back Care Program: Back Injury Prevention for Health Care Workers  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Central Massachusetts(Metro West)  
**Program Administrator:** Virginia O'Brien Gutierrez  
**Total Funds Requested:** \$19,755.00    **Approved:** \$19,755.00
  
4. AFSCME Local 1526  
8 Beacon Street  
Boston, MA 02108  
(617) 536-5400, ext. 420  
**Title:** CTD Prevention Program  
**Category of Applicant:** Joint Labor/Management Committee  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Diane Fay  
**Total Funds Requested:** \$12,119.50    **Approved:** \$12,119.50

5. Compensation Claims Review Corporation  
1 Elm Square, Suite 2  
Andover, MA 01810  
(978) 474-5050  
**Title:** A Safety Training Program for the Students of the Greater Lowell Regional Vocational Technical School  
**Category of Applicant:** Private Employer  
**Target Population:** Students/Teachers  
**Geographic Target:** Lowell  
**Program Administrator:** Robert Tuman  
**Total Funds Requested:** \$12,185.00    **Approved:** \$12,185.00
6. City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459-1449  
(617) 552-7037  
**Title:** Safety through Teamwork: A Training Program for Newton's Working Foremen  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Dolores Hamilton  
**Total Funds Requested:** \$23,020.00    **Approved:** \$23,020.00
7. Dana Farber Cancer Institute  
44 Binney Street  
Boston, MA 02115  
(617) 632-4667  
**Title:** Preventing Strains and Sprains in Lab Workers through Training And Video Production  
**Category of Applicant:** Public Employer/Non-profit Organization  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Lou Manfredo  
**Total Funds Requested:** \$14,982.50    **Approved:** \$14,982.50
8. Franklin Regional Council of Governments  
425 Main Street  
Greenfield, MA 01301  
(413) 774-3167  
**Title:** Preventing Occupational Injuries and Illnesses in Franklin County Towns and Schools  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Springfield  
**Program Administrator:** Phoebe Walker  
**Total Funds Requested:** \$18,651.00    **Approved:** \$18,651.00
9. Labor Management Construction Safety Alliance  
256 Freeport Street  
Boston, MA 02122  
(617) 436-3551  
**Title:** OSHA 10-Hour Safety Awareness Education for Union Construction Workers  
**Category of Applicant:** Labor/Management Committee  
**Target Population:** Employees  
**Geographic Target:** Statewide



- Program Administrator:** Mary Vogel  
**Total Funds Requested:** \$24,937.00    **Approved:** \$24,937.00
10. Gentex Optics  
183 W. Main Street  
Dudley, MA 01571  
(508) 943-3860  
**Title:** Electrical Hazard Recognition  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employer/Supervisors  
**Geographic Target:** Worcester  
**Program Administrator:** John Stapler  
**Total Funds Requested:** \$9,995.10    **Approved:** \$9,995.10
11. Operating Engineers Local 98  
2 Central Square  
East Longmeadow, MA 01028  
(413) 525-4291  
**Title:** Hazwoper Training Program  
**Category of Applicant:** Labor/Management Committee  
**Target Population:** Employees/Supervisors..  
**Geographic Target:** Springfield  
**Program Administrator:** Michael Florio  
**Total Funds Requested:** \$22,685.29    **Approved:** \$22,685.29
12. Town of Needham  
1471 Highland Avenue  
Needham, MA 02492  
(781) 455-7530  
**Title:** Safety Training for Publics Works and Building Maintenance Employees  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Kate Fitzpatrick  
**Total Funds Requested:** \$15,704.00    **Approved:** \$15,704.00
13. Pioneer Valley Central Labor Council  
458 Bridge Street  
Springfield, MA 01103  
(413) 732-7970  
**Title:** Keep Safe: Health and Safety on the Job  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees  
**Geographic Target:** Springfield  
**Program Administrator:** Irene Kimball  
**Total Funds Requested:** \$13,669.10    **Approved:** \$13,669.10
14. Port Health Care Center  
Hale and Low Streets  
Newburyport, MA 01950  
(978) 462-7373  
**Title:** Promoting Safe Work Behaviors in the Health Care Industry  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Northshore  
**Program Administrator:** Michael Corbet  
**Total Funds Requested:** \$10,689.00    **Approved:** \$ 10,689.00

15. Asian American Civic Association  
105 Chauncy Street Lower Level  
Boston, MA 02111  
(617) 426-9492  
**Title:** Health and Safety Training Program for Chinese Restaurant Workers  
**Category of Applicant:** Non-Profit Organization  
**Target Population:** Employees  
**Geographic Target:** Boston  
**Program Administrator:** Chau-ming Lee  
**Total Funds Requested:** \$12,720.00 **Approved:** \$12,720.00
16. Aerovox  
740 Belleville Avenue  
New Bedford, MA 02745  
(508) 910-3591  
**Title:** Ergonomic Training Grant  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** Fall River  
**Program Administrator:** Peter Szwaja  
**Total Funds Requested:** \$24,999.99 **Approved:** \$24,999.99
17. Tocco Corporation  
29 Cook Street  
Billerica, MA 01821  
(978) 663-0292  
**Title:** Personal Protection Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Richard Gilardi  
**Total Funds Requested:** \$22,902.20 **Approved:** \$22,902.20
18. Quadrant Health Strategies, Inc.  
34 Salem Street  
Wilmington, MA 01887  
(978) 988- 8832  
**Title:** Safety Training to Prevent, Recognize, Treat and Report Workplace Injuries  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employer/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Rena Hannaford  
**Total Funds Requested:** \$25,000.00 **Approved:** \$24,998.00
19. Asbestos Workers Local #43  
1053 Burts Pit Road  
Northampton, MA 01060-3630  
(413) 584-0028  
**Title:** Preventing Asbestos and Fiberglass-Related Disease & Scaffolding Injuries for Building Trades Workers in Western Mass  
**Category of Applicant:** Labor Organization/Federation  
**Target Population:** Employees  
**Geographic Target:** Worcester/Lawrence/Springfield  
**Program Administrator:** Robert Starr  
**Total Funds Requested:** \$20,921.80 **Approved:** \$20,921.80

20. Anna Jaques Hospital  
25 Highland Avenue  
Newburyport, MA 01950  
(978) 463-1000  
**Title:** Prevention of Musculoskeletal Injuries  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employer  
**Geographic Target:** Lawrence  
**Program Administrator:** John Wiley  
**Total Funds Requested:** \$24,385.00    **Approved:** \$24,385.00
21. Brunetta Associates  
15 Houston Avenue  
Methuen, MA 01844  
(978) 688-8745  
**Title:** Occupational Safety and Health Education and Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Boston/Lawrence  
**Program Administrator:** Anthony Brunetta  
**Total Funds Requested:** \$23,550.00    **Approved:** \$23,550.00
22. The Quabaug Corporation  
18 School Street  
N. Brookfield, MA 01535-1920  
(508) 867-7731  
**Title:** Occupational Safety and Health Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers  
**Geographic Target:** Central MA  
**Program Administrator:** Patti Coffill  
**Total Funds Requested:** \$4,111.50    **Approved:** \$4,111.50
23. Eastman Gelatin Corporation  
227 Washington Street  
Peabody, MA 01960-6998  
(978) 573-3715  
**Title:** Ergonomic & Safety Training Program for the Prevention of Musculo-skeletal Injuries  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** Boston  
**Program Administrator:** Charlene Churchill  
**Total Funds Requested:** \$20,885.50    **Approved:** \$20,885.50
24. JC 3 Productions  
53 Lafayette Street  
Randolph, MA 02368  
(781) 961-1999  
**Title:** Blount Seafood Training Grant  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** Fall River  
**Program Administrator:** James Cassidy  
**Total Funds Requested:** \$8,615.00    **Approved:** \$8,615.00

25. Sisters of Providence Health Systems  
1223 Main Street  
Holyoke, MA 01040  
(413) 539-2635  
**Title:** Occupational Safety and Health Education and Training Program  
**Category of Applicant:** Non-profit Organization  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Springfield/Holyoke  
**Program Administrator:** Mary McNeill  
**Total Funds Requested:** \$24,900.00    **Approved:** \$24,900.00
26. Morton Hospital & Medical Center  
88 Washington Street  
Taunton, MA 02780  
(508) 824-0243  
**Title:** FY 2000 RFR Injury Prevention Program  
**Category of Applicant:** Non-profit Organization  
**Target Population:** Employees/Employer/Supervisors  
**Geographic Target:** Fall River  
**Program Administrator:** Peter Sankus  
**Total Funds Requested:** \$13,052.00    **Approved:** \$13,052.00
27. The City of Cambridge  
795 Massachusetts Avenue  
Cambridge, MA 02139-3201  
(617) 349-4332  
**Title:** Ergonomic & Safety Training for the Prevention of Musculoskeletal Injuries  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** Boston  
**Program Administrator:** Michael Gardner  
**Total Funds Requested:** \$25,000.00    **Approved:** \$25,000.00
28. Salem State College  
352 Lafayette Street  
Salem, MA 01970  
(978) 542-6840  
**Title:** Salem State College Employee Wellness Program  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Northshore  
**Program Administrator:** Stephen Holt  
**Total Funds Requested:** \$21,613.00    **Approved:** \$21,613.00
29. Chadwick's of Boston  
35 United Drive  
West Bridgewater, MA 02379-1026  
(508) 895-2683  
**Title:** Improving and Communication of Injury Prevention through the Production of Multi-Language Videos  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Fall River  
**Program Administrator:** Thomas Minichiello  
**Total Funds Requested:** \$24,907.50    **Approved:** \$ 24,907.50

30. Chamber of Commerce of the Berkshires  
66 West Street  
Pittsfield, MA 01201  
(413) 499-4000  
**Title:** Occupational Safety & Health and Training Program  
**Category of Applicant:** Not for Profit  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Berkshire County/Western/Pittsfield  
**Program Administrator:** Claudine Chavanne  
**Total Funds Requested:** \$23,845.00    **Approved:** \$23,845.00
31. City of Worcester  
City Hall, Room #109  
455 Main Street  
Worcester, MA 01608  
(508) 799-1031  
**Title:** Blood/Animal/InsectBorne Pathogen and Stress Reduction Training Programs  
**Category of Applicant:** Public Employer/Non-profit Organization  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Worcester  
**Program Administrator:** Keith Hood  
**Total Funds Requested:** \$23,126.00    **Approved:** \$23,126.00
32. Kripalu Center  
P.O. Box 793  
Lenox, MA 02140  
(413) 448-3121  
**Title:** Occupational Health & Safety Training & Education Program  
**Category of Applicant:** Non-Profit Organization  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Pittsfield  
**Program Administrator:** Joseph Gerard  
**Total Funds Requested:** \$19,625.00    **Approved:** \$19,625.00
33. Waltham Committee, Inc.  
135 Beaver Street  
Waltham, MA 02452  
(781) 899-8220  
**Title:** Prevention and Management of Aggressive Behavior  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** Boston  
**Program Administrator:** Judith Nichols  
**Total Funds Requested:** \$12,155.00    **Approved:** \$12,155.00
34. Benn Safety Management and Training  
45 Pullen Avenue  
Pawtucket, RI 02861  
(401) 724-4007  
**Title:** Springfield and Northampton Training Grant  
**Category of Applicant:** Self Employed Consultant  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Springfield  
**Program Administrator:** William Gordon Benn  
**Total Funds Requested:** \$24,585.00    **Approved:** \$24,585.00

35. Willowood of North Adams  
175 Franklin Street  
North Adams, MA 01247  
(413) 664-4041  
**Title:** Occupational Safety and Health Training and Education  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Pittsfield  
**Program Administrator:** Charlotte Johnson  
**Total Funds Requested:** \$11,600.00    **Approved:** \$11,600.00
36. The Rockport Company  
580 Fort Pond  
Lancaster, MA 01523  
(508) 480-5810  
**Title:** Ergonomic Safety Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employer/Supervisors  
**Geographic Target:** Worcester  
**Program Administrator:** Kathleen Prevelle  
**Total Funds Requested:** \$15,949.50    **Approved:** \$15,949.50
37. The Norman Rockwell Museum  
P.O. Box 308  
Stockbridge, MA 01262  
(413) 298-4100  
**Title:** Occupational Safety and Health Training and Education Program  
**Category of Applicant:** Non-Profit Organization  
**Target Population:** Employees/Employers/Supervisors..  
**Geographic Target:** Pittsfield  
**Program Administrator:** Michael Kirchner  
**Total Funds Requested:** \$19,625.00    **Approved:** \$19,625.00
38. Associated Builders and Contractors  
One Wall Street  
Burlington, MA 01803  
(781) 273-0123  
**Title:** New Employee Safety Orientation Program (Train the Trainer)  
**Category of Applicant:** Trade Association  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Julia DeCola  
**Total Funds Requested:** \$10,255.44    **Approved:** \$10,255.44
39. MA Nurses Association  
340 Turnpike Street  
Canton, MA 02021  
(781) 821-4625  
**Title:** Wheezing at Work – Occupational Asthma  
**Category of Applicant:** Labor Organization/Federation  
**Target Population:** Employees  
**Geographic Target:** Boston  
**Program Administrator:** Evelyn Bain  
**Total Funds Requested:** \$12,291.88    **Approved:** \$12,291.88

40. George Gould Construction Institute  
One Wall Street  
Burlington, MA 01803  
(781) 270-9990  
**Title:** OSHA 10-Hour Training for Construction Apprentices  
**Category of Applicant:** Non-Profit  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Jean Connaughton  
**Total Funds Requested:** \$24,076.50 **Approved:** \$24,076.50
41. Acushnet Rubber Co., Inc.  
744 Belleville Avenue  
New Bedford, MA 02742-6916  
(508) 998-4060  
**Title:** Ergonomics and Safety Training for the Prevention of Musculo-skeletal Injuries  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Fall River  
**Program Administrator:** Theresa Camire  
**Total Funds Requested:** \$25,000.00 **Approved:** \$22,900.00
42. Varian Vacuum Products  
121 Hartwell Avenue  
Lexington, MA 02421-3133  
(781) 860-5463  
**Title:** Ergonomic and Safety Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employer/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Susan Sulesky  
**Total Funds Requested:** \$25,000.00 **Approved:** \$22,899.00
43. Bunker Hill Community College  
250 Rutherford Avenue  
Boston, MA 02129-2925  
(781) 861-6500, ext. 349  
**Title:** Health and Safety Training at Bunker Hill College  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Supervisors/Students  
**Geographic Target:** Boston  
**Program Administrator:** Tusi Gastonguay  
**Total Funds Requested:** \$14,860.00 **Approved:** \$14,510.00

## APPENDIX E

### Industrial Accident Nominating Panel

**James J. Campbell (Chair)**

Commissioner  
Department of Industrial Accidents  
600 Washington Street  
Boston, MA 02111  
Tel. (617) 727-4900 x 356  
Fax: (617) 727-6477

**Joseph Bonfiglio**

Business Manager/Secretary Treasurer  
Laborer's International Union, Local 151  
238 Main Street  
Cambridge, MA 02142  
Tel. (617) 876-8081  
Fax: (617) 492-0490

**Carolyn E. Boviard**

Director, Dpt. of Economic Development  
One Ashburton Place, Suite 1201  
Boston, MA 02108  
Tel. (617) 727-8380 x 309  
Fax: (617) 727-727-4426  
\*(Todd Fernandes, Peter Lukes)  
Brenda Miller, Assistant

**Angelo Buonopane**

Director, Dpt. of Labor & Workforce Devel.  
One Ashburton Place, Suite 2112  
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**Joseph W. Jennings, III**

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Department of Industrial Accidents  
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**Leonard L. Lewin**

Chief Legal Counsel \*(Laurie Wallach)  
Room 271 - State House  
Boston, MA 02133  
Tel. (617) 727-2065  
Fax: (617) 727-8290

**Mr. Gino Maggi**

President, Inter-all Corp.  
P. O. Box 586  
Holyoke, MA 01041  
Tel. (413) 467-7181  
Fax: (413) 467-7186

**Terence McCourt, Esq.**

Menard, Murphy & Walsh  
One Financial Center  
Boston, MA 02111  
Tel. (617) 832-2500  
Fax: (617) 832-2550

**Dr. Grant Rodkey**

11 Beatrice Circle  
Belmont, MA 02178-02657  
Tel. (617) 724-0110  
Fax: (617) 724-0113

**Michael A. Torrissi, Esq.**

Berger & Hyde  
90 Main Street  
Andover, MA 01810  
Tel. (508) 475-0756  
Fax: (508) 475-8959

\*Person may represent the Member listed above their name.



## APPENDIX F

### Summary of Judicial Expiration Dates (6/30/99)

#### *INDUSTRIAL ACCIDENT REVIEWING BOARD SIX YEAR TERMS*

1.	Martine Carroll	Unenrolled	5/28/04
2.	Frederick Levine	Unenrolled	5/28/04
3.	Susan Maze-Rothstein	Democrat	6/10/04
4.	William McCarthy	Democrat	5/21/04
5.	Suzanne Smith	Republican	6/03/04
6.	Sara Holmes Wilson	Republican	5/28/04

#### *INDUSTRIAL ACCIDENT BOARD SIX YEAR TERMS*

1.	Douglas Bean	Republican	6/26/99
2.	Michael Chadinha	Republican	5/28/04
3.	David Chivers	Republican	5/21/04
4.	William Constantino	Republican	6/13/01
5.	Karen Corcoran	Democrat	7/06/00
6.	Joellen D'Esti	Unenrolled	5/21/04
7.	John Harris	Republican	5/28/04
8.	Richard Heffernan	Democrat	9/04/03
9.	Emogene Johnson	Unenrolled	7/29/00
10.	James LaMothe	Republican	1/31/03
11.	Roger Lewenberg	Republican	6/26/04
12.	William Long	Democrat	8/03/00
13.	Douglas McDonald	Democrat	7/06/00
14.	Bridget Murphy	Republican	7/27/00
15.	Daniel O'Shea	Republican	5/28/04
16.	Leo Purcell	Democrat	12/29/99
17.	Diane Solomon	Unenrolled	8/10/00
18.	James St. Amand	Democrat	5/28/04
19.	Stephen Sumner	Unenrolled	7/05/02
20.	Richard Tirrell	Democrat	5/14/04
21.	OPEN (Thompson)	(Republican)	9/18/04

#### *INDUSTRIAL ACCIDENT BOARD ONE YEAR TERMS*

1.	Carolynn Fischel	Unenrolled	6/18/00
2.	Fred Taub	Democrat	7/01/00

#### *RETIRED/PART-TIME ONE YEAR TERMS*

1.	William Pickett	Democrat	1/20/00
2.	John McLaughlin	Republican	1/27/00

## **APPENDIX G**

### **Medical Consultant Consortium**

**L. Christine Oliver, MD**

Pulmonary / Critical Care Unit  
Bullfinch #1 / Mass General Hospital  
55 Fruit Street  
Boston, MA 02114  
(617) 227-8163  
Fax: 726-2932

**Dean Hashimoto, MD, JD**

Boston College Law School  
885 Center Street  
Newton, MA 02159  
(617) 522-4617  
Fax: 552-2615

**Manuel Lipson, MD**

Director, Spaulding Rehabilitation  
Hospital  
125 Nashua Street – 1st Floor  
Boston, MA 02114  
(617) 720-6648

**Barry Simmons, MD**

Brigham Orthopedic Association  
Brigham and Women's Hospital  
75 Francis Street  
Boston, MA 02115  
(617) 732-5378  
Fax: 732-6937

## **APPENDIX H**

### **Budget Subsidiaries**

#### **Subsidiary AA: Regular Employee Compensation**

Includes regular compensation for employees in authorized positions including regular salary, overtime, and other financial benefits. All expenditures for this subsidiary must be made through the payroll system.

#### **Subsidiary BB: Regular Employee Related Expenses**

This subsidiary includes reimbursements to employees and payments on behalf of employees with the exception of pension and insurance related payments. This includes out of state travel (airfare, lodging, other); in state travel; overtime meals; tuition; conference, training, and registration; membership dues, etc.

#### **Subsidiary CC: Special Employees/ Contracted Services**

Payments to individuals employed on a temporary basis through contracts as opposed to authorized positions paid through subsidiary AA. (These employees are generally not eligible for benefits). Includes contracted faculty; contracted advisory board/commission members; seasonal; student interns, etc.

#### **Subsidiary DD: Pension and Insurance-Related Expenditures**

Pension and insurance related expenditure for former and current employees and beneficiaries. Includes retirement, health and life insurance, workers' compensation benefits; medical expenses; universal health insurance charge-back; universal health insurance payments, etc.

#### **Subsidiary EE: Administrative Expenses**

Expenses associated with departmental operations. Includes office and administrative supplies; printing expenses and supplies; micrographic supplies; central reprographic charge-back; postage, telephone, software, data processing; subscriptions and memberships; advertising; exhibits/displays; bottled water.

#### **Subsidiary GG: Energy Costs and Space and Rental Expenses**

Plant operations, space rentals, utilities, and vehicle fuel. Includes fuel for buildings; heating and air conditioning; sewage and water bills, etc.

#### **Subsidiary HH: Consultant Services**

Outside professional services for specific projects for defined time periods, incurred when services are not provided by, or available from state employees. Consultants advise and assist departments but do not provide direct services to clients. Includes accountants; actuaries/statisticians; information technology professionals; advertising agency; arbitrators; architects; attorneys; economists; engineers; health/safety experts; honoraria for visiting speakers; researchers; labor negotiators; management consultants; medical consultants, etc.

#### **Subsidiary JJ: Operational Services**

Expenditures for the routine functioning of the Division. Services are provided by non employees (individuals or firms) generally by contractual arrangements, except when authorized by statute or regulation. Includes movers; snow removal services; messenger services; law enforcement (detail officer).

#### **Subsidiary KK: Equipment Purchase**

Purchase and installation of equipment. (See LL for equipment lease, repair). Includes information technology equipment (computers, software); educational equipment (overhead projectors, tape recorders); photocopying equipment, office equipment, etc.

#### **Subsidiary LL: Equipment Lease-Purchase, Lease and Rental, Maintenance and Repair**

Includes expenditures for the lease-purchase, lease, rental, maintenance and repair of equipment. Includes information technology equipment (computers, software); educational equipment (overhead projectors, tape recorders); photocopying equipment, office equipment, etc.

## **APPENDIX I**

### **Workers' Compensation Organizations**

The following are government, private, and non-profit organizations that have a role in the Massachusetts workers' compensation system. Many of the organizations below are advocacy groups funded by a specific group to represent and promote their particular view.

This is meant to be informative only, and is by no means an exhaustive list of all groups involved with workers' compensation. Inclusion of an organization's name does not indicate an endorsement of any particular viewpoint or organization nor does it relate to their effectiveness or reliability in advocating a particular view.

The categories are Massachusetts State Government, Insurance, Medical, Public Policy/Research, Fraud, Safety, Legal, and Federal Government/National Organizations.

#### **Massachusetts State Government**

##### **Division of Industrial Accidents (DIA)**

600 Washington Street, Boston, MA 02111 (Boston Office)

Phone: 617-727-4900 Info: 800-323-3249 x470 Web Page: <http://www.state.ma.us/dia/>

The Division of Industrial Accidents administers the Commonwealth's Workers' Compensation system. The DIA provides prompt and rational compensation to victims of occupational injuries and illness, and oversees that medical treatment to injured workers is provided in a timely manner while balancing the needs of employers to contain workers' compensation insurance costs.

##### **Massachusetts Workers' Compensation Advisory Council**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x378 Web Page: <http://www.state.ma.us/wcac/>

The Advisory Council is a labor-management committee appointed by the Governor to monitor, make recommendations, give testimony, and report on all aspects of the workers' compensation system, except the adjudication of particular claims or complaints, and to improve the workers' compensation system in the Commonwealth.

##### **Joint Committee on Commerce and Labor**

State House Room 43, Boston, MA 02133

Phone: 617-722-2030 Web Page: <http://www.state.ma.us/legis/comm/j12.htm>

The Commerce and Labor Committee consists of elected state representatives and senators. It is their duty to consider all matters concerning commercial, industrial and mercantile establishments, industrial development, consumer protection, discrimination with respect to employment, labor laws and such other matters.

**Office of the Governor**

State House Room 360, Boston, MA 02133

Phone: 617-727-7238

The Governor appoints the Director of Labor, the Director of Economic Development, the Commissioner of the DIA, the judges at the DIA, and the members of the Workers' Compensation Advisory Council.

**Governor's Council**

State House Room 184, Boston, MA 02133

Phone: 617-727-2795 Web Page: <http://www.state.ma.us/gov/govco.htm>

The Massachusetts Governor's Council, also known as the Executive Council, is composed of eight individuals elected from districts, and the Lt. Governor who serves ex officio. The eight councilors are elected from their respective districts every two years. The Council generally meets at noon on Wednesdays in its State House Chamber, next to the Governor's Office, to act on such issues as payments from the state treasury, criminal pardons and commutations, and approval of gubernatorial appointments; such as judges, notaries, and justices of the peace. All DIA judges are appointed by the Governor subject to the consent & approval of the Governor's Council.

**Department of Labor and Workforce Development**

One Ashburton Place, Boston, MA 02108

Phone: 617-727-6573

The Department of Labor and Workforce Development is charged with promoting and protecting the legal, safety, health and economic interests of the Commonwealth's workers and preserving productive and fair paying jobs. The Division of Industrial Accidents is one of five departments that fall under the Department of Labor and Workforce Development. The Director of Labor is an ex-officio member of the Workers' Compensation Advisory Council.

**Massachusetts Rehabilitation Commission**

Fort Point Place, 27-43 Wormwood Street, Boston, MA 02110-1616

Phone: 617-482-1780 Web Page: <http://www.state.ma.us/mrc/>

The mission of the MRC is to provide comprehensive services with and for persons with disabilities toward the goal of employment and independence. In cooperation with other public and private human service organizations, the MRC promotes its ultimate vision of equality, empowerment and productive independence of individuals with disabilities.

**Department of Economic Development**

One Ashburton Place, Boston, MA 02108

Phone: 617-727-8380 Web Page: <http://www.magnet.state.ma.us/econ/>

The Department of Economic Development and its offices and divisions seek to promote job creation and long-term economic growth in Massachusetts. It seeks to attract new businesses to the state, help existing businesses expand, assist emerging firms in obtaining the human, financial, and technological resources necessary to prosper and grow, and provide assistance and training to the unemployed and underemployed. The Director of Economic Development is an ex-officio member of the Workers' Compensation Advisory Council.

**Office of the Attorney General**

One Ashburton Place, Boston, MA 02108

Phone: 617-727-2200 Web Page: <http://www.state.ma.us/ag/ago.htm>

The Attorney General's office prosecutes workers' compensation fraud and enforces state labor laws. It also held a series of meetings for its task force on waste, fraud, and abuse in the workers' compensation system. A series of "White Papers" are available from the office on issues brought up at those meetings.

*The Rate Setting Commission and the Division of Insurance are also State Agencies.*

**Insurance****Commonwealth of Massachusetts Division of Insurance (DOI)**

One South Station, 5<sup>th</sup> floor, Boston, MA 02110

Phone: 617-521-7794 Web Page: <http://www.state.ma.us/doi/>

The DOI regulates all insurance programs and monitors and licenses self insurance groups. The **State Rating Bureau** is an office within the DOI that testifies at rate hearings with respect to insurance rates. The Commissioner of DOI holds hearings on rate filings and issues a decision.

**DIA- Office of Insurance**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x371

Issues annual licenses for self insurance; monitors insurance complaints; maintains the insurer register.

**DIA- Office of Investigations**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x409

Issues stop work orders and fines employers without workers' compensation insurance.

**The Workers' Compensation Rating and Inspection Bureau of Massachusetts (WCRIB)**

101 Arch Street, 5<sup>th</sup> floor, Boston, MA 02110

Phone: 617-439-9030

Private non profit body funded by insurers;

- Licensed rating organization for workers' compensation; WCRIB submits workers' compensation insurance rates, rating plans, and forms for approval (rates are subject to approval by the Commissioner of Insurance);
- WCRIB is the statistical agent for workers' compensation for the Commissioner of Insurance;
- administers assigned risk pool; designates insurance carriers for employers who cannot obtain policy in voluntary market;
- collects statistical data from insurers;
- NCCI handles some of the accounting procedures for the pool.

**National Council on Compensation Insurance (NCCI)**

750 Park of Commerce Drive, Boca Raton, FL 33487

Phone: 407-997-1000 Web Page: <http://www.ncci.com/index.html>

NCCI is a national organization devoted to workers' compensation insurance. It has a somewhat limited role in Massachusetts:

- Does some of the accounting for the assigned risk pool under contract with the WCRIB;
- Determines residual market loss reserves.  
Other states;
- In 34 other states, NCCI is the organization that files for insurance rates or loss costs (in Massachusetts, it is the WCRIB that files for rate changes);
- NCCI also administers various state funds where the state acts as an insurance carrier for workers' compensation.

**Medical**

**Division of Health Care Finance and Policy**

2 Boylston Street, Boston, MA 02116

Phone: 617-451-5340 Web Page: <http://www.state.ma.us/dhcfp/>

The Division of Health Care Finance and Policy (formerly the Rate Setting Commission) sets reimbursement rates for medical services in workers' compensation.

**DIA- The Health Care Services Board**

Phone: 617-727-4900 x578

This office coordinates the utilization review program, the Medical Consultant Consortium, and the Health Care Services Board at the DIA.

**Massachusetts Medical Society**

1440 Main Street, Waltham, MA 02154-1649

Phone: 781-893-4610 / 800-322-2303 Web Page: <http://www.massmed.org/>

Private, non-profit professional association representing the Massachusetts physician community.

**Massachusetts Hospital Association**

5 New England Executive Park, Burlington, MA 01803

Phone: 781-272-8000 Web Page: <http://www.mhalink.org>

The Massachusetts Hospital Association (MHA) is a voluntary, not-for-profit organization comprised of hospitals and health systems, related organizations, and other members with a common interest in promoting the health of the people of the Commonwealth.

**Massachusetts Orthopedic Association**

45 Broad Street, Boston, MA 02109

Phone: 617-451-9663

Private, non-profit professional association representing physicians practicing in the specialty area of orthopedic surgery.



**Massachusetts Chiropractic Society**

76 Woodland Street, Methuen, MA 01844-4295

Phone: 978-682-8242 / 800-442-6155 Web Page: <http://www.masschiro.org>

The Massachusetts Chiropractic Society a non-profit membership service organization representing the chiropractic profession in Massachusetts. The Society's principle function is to maintain the standards in education, ethics, and professional competency necessary to meet the requirements of the profession and the expectations of the general public.

**American Physical Therapy Association of Massachusetts**

14 Beacon Street, Suite 719, Boston, MA 02108

Phone: 617-523-4285 National Chapter: 800-999-2782 Web Page: <http://aptaofmass.org>

The American Physical Therapy Association of Massachusetts Inc., with more than 2200 members, is a component of the American Physical Therapy Association. APTA's goal is to foster advancement in physical therapy practice, education, and research.

**American Occupational Therapy Association**

4270 Montgomery Lane, P.O. Box 31220, Bethesda, MD 20824-1220

Phone: 301-652-2682 Web Page: <http://www.nih.gov/nia/related/aoaresrc/dir/45.htm>

The American Occupational Therapy Association (AOTA) supports the professional community for occupational therapists and develops and preserves the viability and relevance of the profession. The organization serves the interests of its members, represents the profession to the public, and promotes access to occupational therapy services.

## **Public Policy/ Research**

**Workers' Compensation Research Institute (WCRI)**

101 Main Street, Cambridge, MA 02142

Phone: 617-494-1240

WCRI is a nonpartisan, not-for-profit public policy research organization funded primarily by employers and insurers. The WCRI research takes several forms, according to their statement of purpose: "original research studies of major issues confronting workers' compensation systems; original studies of individual state systems where policy makers have shown an interest in reform and where there is an unmet need for that objective information; source book that brings together information from a variety of sources to provide unique, convenient reference works on specific issues; periodic research briefs on significant new research, data, and issues in the field." (WCRI Annual Report/Research Review, 1992).

**Associated Industries of Massachusetts (AIM)**

Workers' Compensation Oversight Committee

222 Berkeley Street, P.O. Box 763, Boston, MA 02117

Phone: 617-262-1180 Web Page: <http://www.aimnet.org>

The Associated Industries of Massachusetts is a dues-supported, non-profit, nonpartisan employers' association dedicated to improving the Commonwealth's economic climate.

**Massachusetts AFL-CIO**

8 Beacon Street, Boston, MA 02108

Phone: 617-227-8260 Web Page: <http://www.massaficio.org>

Umbrella organization representing its member local offices of unions in Massachusetts.

**International Association of Industrial Accident Boards and Commissions (IAIABC)**

1201 Wakarusa, C-3, Lawrence, KA 66049

Phone: 904-252-2915 Web Page: <http://www.iaiaabc.org>

The International Association of Industrial Accident Boards and Commissions serves the needs of the workers compensation system through promoting efficient and far sighted regulation and administration of the law.

**Fraud**

**Insurance Fraud Bureau of Massachusetts (IFB)**

101 Arch Street, Boston, MA 02110

Phone: 617-439-0439 (1-800-32FRAUD) Web Page: <http://www.ifb.org>

The Insurance Fraud Bureau of Massachusetts is a multifaceted investigative agency dedicated to the systematic elimination of fraudulent insurance transactions. Authorized by an Act of the Massachusetts Legislature and signed into law in 1990, the Insurance Fraud Bureau undertakes cases for investigation and preparation for criminal prosecution. The Bureau is wholly funded by the insurance industry in Massachusetts.

*The DIA - Office of Investigations (see above “insurance”) and the Attorney General’s Office, Insurance Fraud Unit (see above “state government”) also fall under the fraud category.*

**Safety**

**Office of the Attorney General - Business and Labor Protection Bureau**

Fair Labor and Business Practices Division, 200 Portland Street, Boston, MA 02114

Phone: 617-727-3477 Web Page: <http://www.state.ma.us/ag/ago5.htm>

The Business and Labor Protection Bureau investigates and prosecutes violations of child labor laws and work-related injuries to minors, grants workplace procedure waivers, inspects workplace safety on construction sites, industrial sites and in the manufacturing industry. They also prosecute egregious cases of violations of industrial workplace safety and may shut down a job site in cases of imminent danger to the safety of employees or the public.

**DIA- Office of Safety**

Phone: 617-727-4900 x377

The function of the Office of Safety is to reduce work related injury and illnesses by “establishing and supervising programs for data collection on workplace injuries and for the education and training of employees and employers in the recognition, avoidance and prevention of unsafe or unhealthy working conditions in employment and advising employees and employers on these issues.” ( M.G.L. c. 23E, 3(6)).

**Massachusetts Coalition of Occupational Safety and Health** (MassCOSH)

555 Armory Street  
Boston, MA 02130  
617-524-6686

The following safety councils provide publications, videos, training programs, speakers and other information for a fee.

- *Safety Council of Western Massachusetts* (Springfield) 413-737-7908
- *National Safety Council* , Central MA Chapter (West Boylston) 508-835-2333
- *Massachusetts Safety Council* (Braintree) (Serves Eastern MA) 617-356-1633
- *American Society of Safety Engineers* (ASSE) is a non profit association that provides monthly educational seminars and training. It can be reached through the local safety councils.

See also OSHA and NIOSH under federal government

## **Legal**

**Massachusetts Bar Association**

Workers' Compensation Committee  
20 West Street, Boston, MA

Phone: 617-542-3602 Web Site: <http://www.massbar.org>

The Massachusetts Bar Association is the statewide voluntary professional association for all lawyers, in all types of practice, in all areas of law.

**Massachusetts Academy of Trial Attorneys**

15 Broad Street, Suite 415, Boston, MA 02109

Phone: 617-248-5858

Private, non-profit professional association representing the plaintiff's attorneys in Massachusetts.

## **Federal Government / National Organizations**

While most programs for workers' compensation are administered at the state level, there are various safety, labor, and workers' compensation programs administered by the federal government.

**U.S. Department of Labor**

Employment Standards Administration  
Office of Workers' Compensation Programs  
Division of Planning, Policy and Standards  
200 Constitution Avenue, N.W., Washington, D.C. 20210  
Phone: 202-219-7491

The Division of Planning, Policy and Standards at the Office of Workers' Compensation Programs serves as a liaison to the states regarding state workers' compensation matters. They produce two major publications: State Workers' Compensation Administration Profiles and State Workers' Compensation Laws.

The Office of Workers' Compensation Programs also administers three other divisions: Division of Longshore and Harbor Workers' Compensation (202-219-8721); Division of Federal Employee's Compensation (202-219-7552); and the Division of Coal Mine Workers' Compensation (202-219-6692).

**Department of Labor**

**Occupational Safety and Health Administration (OSHA)**

200 Constitution Avenue, NW, Washington, D.C. 20210

Regional Office: 133 Portland Street

Boston, MA 02114

617-565-7164

**National Institute for Occupational Safety and Health (NIOSH)**

944 Chestnut Ridge Road, Morgantown, WV 26505-2888

800-356-4674

Federal agency under the Department of Health and Human Service. Clearinghouse information on workplace safety, health, and illness.

**Occupational Health Foundation**

815 16th Street, N.W. Suite 312

Washington, D.C. 20006

202-842-7840

The OHF is a labor-sponsored, non profit organization delivering service to the American labor movement and individual members of the workforce. OHF's mission is to improve occupational safety and health conditions for workers. (OHF 1993 Annual Program Report)

**United States Chamber of Commerce**

1615 H Street, NW, Washington, D.C. 20062-2000

202-659-6000

Publishes an analysis of state workers' compensation statutes.

### **Workers' Compensation Legislation Before the Joint Committee on Commerce & Labor**

#### **1999 - 2000 Legislative Session**

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##### **H.191 - EXEMPTION OF NON-RESIDENT EMPLOYEES (§25V) - Miceli & Flavin**

This refiled bill (previously Senate 20) would create a new section (§25V) that would exempt an out of state employer from the Massachusetts workers' compensation laws when its employees work in Massachusetts temporarily. The exemption would only apply if: the employer is not a resident of MA and was not contracted here; the employer does not have a permanent place of business in-state; or the employee has not worked in-state for more than 5 consecutive days, 10 days in a 30-day period or 30 days in a 360-day period. The workers' compensation laws of the resident state would govern any work-related injuries in Massachusetts.

##### **H.192 - DEFINITION OF EMPLOYER - EXEMPTION OF SOLE PROPRIETORS & PARTNERSHIPS (§1) - Miceli**

This refiled bill (formerly Senate 22, House 445, House 3010, House 3594) would amend the definition of an employee and give a sole-proprietor or a partnership the option of being considered an employee, thereby making workers' compensation coverage elective.

##### **H.193 - NEW SECTION (§25V) - INSURANCE COVERAGE OF DOMESTIC EMPLOYEES - Miceli**

This refiled bill (previously Senate 19) would add a new section (§25V) to Chapter 152. This new section would require all insurance companies that provide comprehensive personal liability, tenant's or homeowners insurance to also provide "workers' compensation insurance" that covers domestic employees.

##### **H.576 - INSURANCE COVERAGE FOR STUDENTS - SCHOOL TO WORK PROGRAMS (§1) - Koczera**

This refiled bill (previously House 5270) treats students who are participating in a work-based experience as part of a school-to-work program (as defined in Title I of the School-to-Work Opportunities Act) as "employees" of such employers in the case of work-related injuries.

##### **H.577 - STAGGERING TERMS OF INDUSTRIAL ACCIDENT BOARD AND REVIEWING BOARD JUDGES (c. 23E) - Koczera**

This bill is similar to House 5042 filed last legislative session as a "late file" bill.

Section 1 of this bill would require the staggering of administrative judge appointments beginning in 1999. The intent is to avoid future problems of multiple terms expiring in one year. Terms would be staggered as follows:

**1999** - two administrative judges would be appointed to six-year terms.

**2000** - four administrative judges would be appointed to six-year terms.

- one administrative judge would be appointed to a five-year term.

- one administrative judge would be appointed to a three-year term.

**2001** - one administrative judge would be appointed to a six-year term.

**2002** - one administrative judge would be appointed to a six-year term.

**2003** - three administrative judges would be appointed to six-year terms.

**2004** - four administrative judges would be appointed to six-year terms.

- one administrative judge would be appointed to a five-year term.

- two administrative judges would be appointed to four-year terms.

- two administrative judges would be appointed to three-year terms.

**Thereafter** - administrative judges would be appointed to six-year terms.

Section 2 of this bill amends M.G.L. c.23E, §4 by increasing the number of permanent administrative judges positions at the DIA from 21-25. Currently the DIA has 24 administrative judges (21 permanent and 3 recall judges). Under the bill, the number of administrative judges from any one political party could not exceed 13, up from the current 11.

Section 3 of this bill would amend Chapter 23E, §5 by staggering administrative law judge appointments. Terms would run as follows beginning in 1999:

one member or successor would be appointed to a one-year term

one member or successor would be appointed to a two-year term

one member or successor would be appointed to a three-year term

one member or successor would be appointed to a four-year term

one member or successor would be appointed to a five-year term

one member or successor would be appointed to a six-year term

**Thereafter**, a member or successor would be appointed or reappointed to a six-year term.

#### **H.578 - LUMP SUM SETTLEMENTS (§48(1)) - CONCILIATOR APPROVAL - Koczera**

This refiled bill (previously House 653 & Senate 71) seeks to amend §48 of the act pertaining to lump sum settlements. This bill would elevate the role of the conciliator to approve lump sum settlements "as being in the claimant's best interest." Currently, the statute provides that conciliators may "approve as complete" lump sum settlements, a much lower standard. Roughly 300 lump sum settlements are reviewed by conciliators each year, compared to the 10,000 that are reviewed by ALJ's. This higher standard ensures stricter review of the terms of the settlement, and should encourage early settlement.

#### **H.579 - INSURANCE RATES - COMPETITIVE RATING (§53A) - Koczera**

This refiled bill (previously House 3773) would require a system of competitive rating of workers' compensation insurance rates. Insurance carriers would competitively price insurance coverage, rather than have the Commissioner of Insurance approve a uniform set of rates required for all carriers. The Advisory Council extensively studied this bill in the Fall of 1996, when a lengthy report was prepared by J.H. Albert and submitted to the Legislature. The Council endorsed the proposal, with some suggestions and cautionary remarks. The bill incorporates the concerns of the Advisory Council.

#### **H.580 - VOLUNTARY PAYMENT OF BENEFITS (§19) - PAY WITHOUT PREJUDICE CLAUSE - Koczera**

This refiled bill (previously House 654 & Senate 70) would amend §19 of the act. This section addresses agreements between an insurer and a claimant to voluntarily pay benefits. Unless payment begins within 14 days of receipt of the first report of injury or an employee's complaint, all agreements to make payments must be in writing and approved by the DIA. This applies to voluntary payment of weekly indemnity benefits as well as lump sum agreements, which are further regulated by §48.

Section 7 of the statute explicitly states that the decision to pay or deny a claim for benefits must be made by the insurer within fourteen days, under penalty of law. Section 8 of the act states that if an insurer begins payment within this time frame, it has 180 days to unilaterally cease making payments. The pay without prejudice period does not apply when an insurer denies a claim and later voluntarily agrees to pay, or where an insurer makes a late decision to pay benefits. This "pay without prejudice" period is one feature of the 1991 reforms credited with encouraging prompt payment of claims and reducing disputed claims at the agency.

Currently, the DIA will not approve a §19 agreement that contains a pay without prejudice clause on the basis that it violates the prompt payment mandates of sections 7 and 8. This bill seeks to allow insurers who do not make prompt payment within 14 days to have the benefit of the pay without prejudice period should the insurer agree to make future payments.

**Pros:** This bill would broaden the circumstances under which disputes can be resolved amicably without a full evidentiary hearing. By allowing the pay without prejudice to apply to agreements even after the insurer has violated the timely payment provisions, insurers are provided incentive to begin payment voluntarily. As the terms to such agreements are voluntarily reached and are approved by the DIA, the right of the claimant to adequate and fair compensation is protected. Since these agreements can occur at any stage of the dispute resolution process (either by the conciliator at conciliation, or the AJ at conference or hearing), the amendment seeks to encourage early resolution.

**Cons:** One of the most successful aspects of the workers' compensation reform act of 1991 is the extension of the pay without prejudice period. Cited in numerous studies, and claimed by insurers and claimants alike as encouraging voluntary payment (thereby reducing the number of disputed claims at the DIA), the provisions of section 8 encourage insurers to begin payment in a timely fashion and to make thorough investigations later. By allowing insurers the benefits of pay without prejudice without making timely payment, the incentive to abide by the 14-day pay or deny mandate is eliminated. The incentive to begin payment on clear cut and marginal claims is the

assurance that payment could be later stopped without DIA approval. By allowing insurers to ignore the statutory mandate of pay first and argue later without penalty, the benefits of the past four years in reduced disputed claims would be undermined.

#### **H.753 - EXEMPTION OF CORPORATE OFFICERS (§1) - *Rodrigues, Lepper & Koczera***

This bill, which is similar to legislation filed last year (House 3968 & House 1079), would make the requirement of obtaining workers' compensation insurance elective for corporate officers (or the director of a corporation) who own 25% of the issued and outstanding stock of that corporation. Said corporate officer must provide the Commissioner of the DIA with a written waiver of his rights under this chapter. The Commissioner of the DIA is required to promulgate regulations to carry out this process.

#### **H.1138 - EMPLOYEE LEASING COMPANIES - EXCLUSIVE REMEDY (§15) - *Kaufman***

This new bill would amend §15 by barring an action at law for damages for personal injuries or wrongful death by an employee towards an employee leasing company and its client company, if each are in compliance with the requirements of Chapter 152. Currently, §15 only provides protection to "the insured person employing such employee and liable for payment of the compensation provided by this chapter for the employee's personal injury or wrongful death and said insured person's employees."

#### **H.1139 - COMPREHENSIVE BILL - *Kennedy***

This bill is similar to House 3967 filed last legislative session.

Section 1 of this bill would require an Impartial Selection Subcommittee (created in section 7 of this bill) to establish the criteria for being named and remaining on the impartial physician roster. Currently the Department's Health Care Services Board establishes this criteria.

Section 2 of this bill would require the Senior Judge to provide both parties a list of three potential impartial physicians; each party could remove one name from the list. If both parties chose the same name, the Senior Judge would assign that physician. Currently, if both parties can not agree upon an impartial physician, the administrative judge must appoint one.

Section 3 of this bill would require the Senior Judge to provide medical information (i.e. medical histories, reports, and records) and an accurate job description to the impartial medical examiner.

Section 4 of this bill would eliminate the standard requiring that the impartial report constitute "prima facie evidence" and can only be rebutted when additional testimony is required due to the complexity of the medical issues involved or the inadequacy of the report. This bill would require the report to constitute a rebuttable presumption and would allow the impartial's determination to be overcome by "clear and convincing countervailing evidence to the contrary."

Section 5 of this bill would amend the impartial medical exam provisions allowing additional medical reports or depositions "by right to any party by the administrative judge's own initiative or upon motion by a party." The bill maintains the requirement that additional testimony at the hearing be allowed when the AJ finds the testimony is required due to the complexity of issues or inadequacy of the report.

Section 6 of this bill gives each party "the right" to engage a "physician" to appear or be deposed for the purpose of rebutting the impartial report.

Section 7 of this bill creates an Impartial Selection Committee of the Health Care Services Board (HCSB) to be responsible for reviewing and approving the criteria for selecting and updating the roster of impartial physicians. Representatives of business and labor would be required to serve on this subcommittee. Currently, the HCSB serves this function.

Section 8 of this bill would increase the weekly compensation for total incapacity (§34) benefits. Compensation would increase from the current 60% to 2/3 of average weekly wage. The current duration would remain.

Section 9 of this bill would increase the weekly compensation for permanent and total incapacity (§35) benefits. Compensation would increase from the current 60% to 2/3 of average weekly wage.

Section 10 of this bill would require experience modified insured employers who deny a lump sum agreement to employees, to submit a written explanation for the denial to the administrative judge (AJ). If the AJ determines the reason to be frivolous, the AJ may approve the lump sum.

Section 11 of this bill would delete the presumption that an employee is physically incapable of returning to work whenever a lump sum agreement has been perfected. This bill would also delete the time-period for this presumption (1 month for each \$1,500 included in the settlement). It also deletes the provision that no re-employment rights shall inure during the period of presumption.

**H.1319 - TOTAL INCAPACITY (§34), PARTIAL INCAPACITY (§35) - INCREASE BENEFITS - Cabral (AFL-CIO)**

This refiled bill (previously House 1441) would increase wage benefits for injured workers under §34 and §35 by restoring the amount to 2/3 of average weekly wage and would extend the duration to 260 weeks for §34 (currently 156) and 600 weeks for §35 (currently 260 or 520 for serious injuries).

**H.1332 - FRAUDULENT ACTIVITIES - DELETION OF §14 - Walsh (AFL-CIO)**

This new bill would strike §14 of Chapter 152. Section 14 is divided into three subsections. Section 14(1) provides for the payment of costs if it is determined by an AJ or ALJ that proceedings have been brought, prosecuted or defended without "reasonable grounds." Section 14(2) prohibits certain fraudulent activities conducted by any party, including attorneys, expert medical witnesses or insurers. If a fraudulent activity has occurred, payment is to be made to the aggrieved party in amount not less than 6 times the average weekly wage in Massachusetts. A copy of any decision made on such fraudulent activities by an attorney is to be sent to the board of bar overseers. A copy of any decision made on such fraudulent activities by a physician is to be reported to the appropriate board of registration. Section 14(3), provides, in addition to the civil penalties listed above, for "punishment by imprisonment in jail for not less than six months or not more than two and one-half years or by a fine of not less than \$1,000 or not more than \$10,000 or by both such fine and imprisonment."

**H.1511 - PREMIUMS FOR SELF INSURED COMPANIES (§25G(1)) - Donnelly & DeFilippi**

This new bill, identical to Senate 96, would require that a statement disclose the combined net worth of all self-insured members. The combined net worth should always be at least \$1 million dollars and equal to at least four times the group's standard premium.

**H.1703 - FOREIGN INSURANCE COMPANY DEPOSITS (§62) - Murphy**

This new bill would expand §62 with new language specifying the types of securities that foreign insurance companies can deposit when leaving the workers' compensation market. Section 62 requires foreign insurance companies who withdraw or are revoked from writing workers' compensation policies, to deposit with a trustee an amount equal to 25% of its obligations incurred under its workers compensation policies. The remainder of these obligations must be deposited with said trustee within thirty days to allow the trustee to pay such obligations. House 1703 specifies the securities that are acceptable for payment to said trustees as:

- United State Treasury Bonds;
- Notes and Obligations of the Commonwealth of Massachusetts, or any of its authorities;
- Securities rated as Investment Grade 1 by the NAIC;
- Any Municipal Securities rated Single A or better by Moody's Investor Services or Standard & Poor's or an equivalent rating from a similarly recognized commercial rating source or service; or
- Any corporation obligation rated Single A or better by Moody's Investor Services or Standard & Poor's or an equivalent rating from a similarly recognized commercial rating source or service;

**H.1888 - LUMP SUM SETTLEMENTS (§48) - LIMITS ON AGREEMENTS - Larkin**

This refiled bill (previously House 3598) would limit when a lump sum agreement can discharge an employee's right to payment of future benefits. No lump sum agreement should be entered into or approved unless:

- (1) the employee has returned to work for at least 6 months, earning at least 75% of his/her pre-injury wage;
- (2) survivor benefits are claimed under §31;
- (3) the employee is determined by and AJ to be permanently and totally disabled;
- (4) or the employee becomes a domiciliary of another state.



**H.2291 - EXEMPTION OF VOLUNTEERS OF CHARITABLE AND NON-PROFIT ORGANIZATIONS**  
**(§1) - Murray, Hedlund & Marini**

This refiled bill (previously House 3969) would make the requirement of obtaining workers' compensation insurance elective for volunteers of charitable and non-profit organizations. This legislation has already been enacted in the past.

**H.2841 - COMPREHENSIVE BILL - DeFilippi, (A.I.M.)**

This comprehensive bill (similar to House 3770 previously filed) was filed on behalf of Associated Industries of Massachusetts.

Section 1 of this bill expedites the dispute resolution process for employees who file claims for illegal discontinuances, discontinuances based on fraud, and for medical emergencies. Such claims would by-pass conciliation and be assigned to an administrative judge for a conference to be held within seven days.

Section 2 requires DIA judges to conform to the state Code of Judicial Conduct. The Commissioner would establish a process for handling complaints by the public against judges.

Section 3 requires that in terms of unemployment, a benefit year (52 weeks) would be extended if an individual receives any lump sum payment under workers' compensation law of any state, or any similar U.S. law. After receiving such payment, the individual would be temporarily disqualified from unemployment benefits. After a determined period, unemployment benefits would be reinstated and extended by the number of weeks the individual was disqualified, totaling no more than 52 weeks.

Section 4 requires that in terms of unemployment, the definition of remuneration received by an individual from an employing unit would also include a lump sum payment under workers' compensation law of any state, or any similar law in the U.S.

Section 5 would exclude overtime from the calculation of the average weekly wage.

Section 6 amends the standard used to determine compensability when a subsequent injury aggravates an underlying injury or condition. Under current law, whether a subsequent injury is compensable will depend upon whether the underlying condition is work-related or non-work related. This section applies the same standard regardless of the nature of the prior condition. The section also limits compensation in situations where the aggravating injury has a minor impact by requiring that any aggravating injury be the predominant contributing cause of the present disability.

Section 7 permits the automatic resumption of compensation when an employee who returns to work subsequently leaves within twenty-eight days, if the employee presents current medical documentation of a worsened or changed condition, which prevents performance of job duties.

Section 8 conforms statutory language relating to suitable job offers to the terminology used in the Americans with Disabilities Act.

Section 9 permits an insurer to terminate or suspend benefits based on evidence of fraudulent activity or behavior. An employee whose benefits have been terminated pursuant to this section would be entitled to an expedited claims process under section 1 of this legislation.

Section 10 reduces the current time period for presuming disability when an employee is terminated from benefits from one year to six months, and provides that the presumption shall be rebutted if the discharge was for bona fide personnel actions, including reductions in force.

Section 11 allows an insurer who accepts liability either voluntarily or involuntarily to request the assignment by the Senior Judge of an impartial physician. If the impartial exam supports a work capability the insurer may file a complaint for modification and suspend benefits. This section should result in significant savings since, under current law, there is a waiting period before the exam may be requested. This change will strengthen the value of the impartial medical report.

This section also eliminates the penalty on insurers who suspend benefits in reliance on the report of an impartial physician selected from the roster. Instead of a penalty, an insurer would be required to pay interest at 5% to the employee if the judge reinstates benefits.

Finally, this section requires direct payments to the impartial physician by the insurer in §8(4) cases.

Section 12 requires complex or serious claims which do not lend themselves to resolution at conciliation, and which depend on the use of evidence not allowed at conference, to proceed directly to a hearing within 180 days. Claims involving occupational disease, stress, heart, lung, or cancer cases, and intentional injury would be subject to the expedited process. This change represents savings since it will reduce the time period for final resolution of the issues.

Section 13 requires all medical testimony to be taken in person or by deposition prior to a hearing and eliminates post-hearing discovery. The section also requires the parties to prepare draft decisions. Since it now takes as much as six months to complete medical depositions after lay testimony has concluded, this provision should result in significant time and cost savings.

Section 14 contains a technical correction necessary to permit impartial exams in §8(4) cases.

Section 15 (see section 12).

Section 16 would add an Occupational Health Nurse to the makeup of the Health Care Services Board.

Section 17 would prohibit physicians from referring claimants to health care services facilities in which the physician or physician's family has a financial interest. Exemptions are permitted in cases of emergency or where there is no alternative facility within a reasonable distance.

Section 18 conforms Massachusetts to the practice in 49 states by providing that employees are responsible for paying their own attorney's fees. Fees would be capped at 20% of cash award to an employee, not to exceed an upper limit of \$4,000. The section creates exceptions where the employee is covered by an arbitration agreement or elects to obtain legal services from the DIA.

Section 19 would create a legal assistance pilot program whereby the DIA would create an Office of Legal Assistance to provide legal counseling to injured workers free of charge as an alternative to private counsel.

Section 20 expands the existing definition of a "fraudulent workers' compensation insurance act" to include certain false billing practices by health care providers if done with an intent to defraud. Prohibited practices would include unbundling, upcoding, exploding, and duplicating.

Section 21 allows certified copies to be substituted for original hospital records at a hearing.

Section 22 would allow an offer of a modified job consistent with a functional capacity evaluation and guaranteed for 12 months to satisfy all obligations to provide vocational rehabilitation.

Section 23 requires employees to use an insurer provided or agreed to physician while receiving benefits during the 180-day pay without prejudice period.

Section 24 requires the amount of an earning capacity to be consistent with a bona fide modified job offer.

Sections 25 and 26 allow a functional capacity evaluation performed by a treating physician, impartial physician or company physician to support the determination of an earning capacity when an employee receives a written offer of his or her former job.

Section 27 coordinates the receipt of workers' compensation, Social Security, and retirement benefits by requiring reductions in weekly benefit amounts where the employee is receiving federal old age benefits or payments under an employee benefits plan.

Section 28 permits employers and employees to agree to terminate the employment relationship when a lump sum includes future wage losses; in addition, the settlement may specify that the employee will not seek re-employment with the employer for a designated period of time.

Section 29 creates an exception to preferential rehiring in cases where liability has been redeemed by a lump sum settlement. Finally, the section amends the presumption of disability to conform with the terminology of the ADA.

Section 30 would amend §75B to allow an employer to secure a resignation as part of a lump sum settlement.

## **H.2851 - INSURANCE COVERAGE FOR STUDENTS - SCHOOL TO WORK PROGRAMS (§1) - Koczera (AIM)**

This refiled bill (previously House 5270) identical to House 576 treats students who are participating in a work-based experience as part of a school-to-work program (as defined in Title I of the School to Work Opportunities Act) as "employees" of such employers if they receive personal injuries arising out of and in the course of such participation.

## **H.2854 - COMPREHENSIVE BILL - McGee & Malloy**

This new comprehensive bill seeks to amend many aspects of Chapter 152.

Section 1 of this bill would amend the definition of "Average Weekly Wage" by specifying that if an injured employee is employed to more than one *employer*, the total earnings from the several *employers* should be considered in determining average weekly wage. Currently the law is more specific in stating that if the injured employee is employed to more than *one insured employer or self-insurer* rather than "employer" as proposed by this legislation. Section 1 of this bill also states that weeks in which an employee received less than *four hours* in wages is considered lost time for determining average weekly wage. Currently, the law considers lost time as weeks when an employee receives *less than five dollars in wages*.

Section 2 of this bill would amend §1(7A) regarding the definition of "Personal Injury" in dealing with mental or emotional disabilities. Currently, "Personal Injuries" include mental or emotional disabilities only where the *predominant contributing cause* of such disability is an event or series of events occurring within any employment. This bill would replace "the predominant contributing cause" with "a significant contributing cause."

Section 3 of this bill would substantially increase the fines for employers who violate the provisions of §6 with regards to the reporting of the notice of injury to the DIA, the employee, or insurer. Currently if an employer violates this provision three or more times they are required to pay a fine of \$100 for each violation. This bill would eliminate the necessity that a violation occurs three or more times before a penalty is issued. Fines would be issued as follows:

- \$100 for first violation;
- Subsequent violations within a year are increased \$100 for each subsequent violation;
- If employer fails to make notice to the DIA, employee, and insurer, it must pay additional penalty to the DIA of \$1,000 into the Special Fund and \$1,000 to the employee;
- If employer fails to make notice to the DIA, employee, and insurer, within 90 days, an additional penalty of \$10,000 will be assessed.

Section 4 would amend §7(2) by increasing the penalty placed on insurers who fail to begin payment of weekly benefits or notify parties of refusal to pay benefits within 14 days of receipt of the employer's First Report of Injury. This bill would require the insurer to pay the employee and amount of \$200 or their compensation rate (whichever is higher). If the insurer still fails to begin payments or make such notification within 60 days, they must pay a penalty of \$1,000 to both the Special Fund and to the employee.

Section 5 and 6 of this bill would amend §8 by decreasing the "pay without prejudice" period to 90 days. Currently, when an insurer pays a claim, it may do so without accepting liability for period of 180 days. This pay without prejudice period establishes a window where the insurer may refuse a claim and stop payments at its will. Up to 180 days, the insurer can unilaterally terminate or modify any claim as long as it specifies the grounds and factual basis for so doing. The purpose of the pay without prejudice period is to encourage the insurer to begin payments to the employee instead of outright denying the claim.

Section 7 of this bill would allow the pay without prejudice period to be extended upon agreement by the parties in 90-day increments not to exceed one year. Currently, pay without prejudice extensions are not required to be set at 90-day increments.

Section 8 of this bill would amend §13A(5). This section assesses an insurer a penalty of \$3,500 (plus necessary expenses) whenever an insurer files a complaint or contests a claim for benefits and then later accepts the claim or withdraws the complaint within 5 days. This section of the proposed legislation would increase the number to 10 days.

Section 9 of this bill would amend §28, paragraph 1, which address injuries caused by serious and willful misconduct of the employer. This section of the proposed legislation would further define "willful misconduct" as a

"knowing and willful violation of the Federal and/or State O.S.H.A. standards." Currently, if an employee is injured by serious and willful misconduct by the employer, they will receive double compensation for their injuries.

Section 10 of this bill would amend §29 dealing with the required period of incapacitation. Current law states that no compensation pursuant to §34 and §35 shall be paid for any injury which does not incapacitate the employee from earning full wages for a period of 5 or more calendar days. If incapacity extends for a period of 21 days or more, compensation is paid from the date of the onset of the incapacity. This bill would decrease this 21-day period to *5 days or more*.

Section 11 of this bill would amend §30, which requires the insurer to furnish medical and hospital services, and medicines if needed. Except for the first appointment, the injured worker may select a treating physician and may switch to another such professional *once*. This bill would allow the injured worker the option of switching physicians *twice*.

Section 12 would amend §31 covering death benefits for dependants. Current law provides the widow or widower, that remains unmarried, 2/3 of the average weekly wage (AWW), but not more than the state's AWW or less than \$110 per week. They shall also receive \$6 per week for each child (this is not to exceed \$150 in additional compensation) of the deceased employee. This bill would increase the minimum amount a widower is entitled, to \$200 per week and \$12 more a week for each child of the deceased employee.

Section 13 would amend §33 regarding burial expenses for deceased employees. Currently, the insurer is required to pay reasonable expenses of burial, not exceeding \$4,000. This bill would increase the amount the insurer is required to pay for burial expenses to not exceed \$6,000.

Section 14 would increase the weekly compensation for total incapacity (§34) benefits. Compensation would increase from the current 60% to 2/3 of average weekly wage. Durations would increase from the current 156 weeks to 208 weeks.

Section 15 would amend §34A pertaining to permanent and total incapacity. When the incapacity for work resulting from the injury is both permanent and total, an insurer is required to pay an injured employee a weekly compensation equal to 2/3 of their average weekly wage before injury, but not more than the maximum weekly compensation rate nor less than the minimum compensation rate. Current law requires that this payment be made "following payment of compensation in §34 and §35." This section of House 2854 would delete this requirement.

Sections 16 and 17 would amend §34B pertaining to supplemental benefits for §31 or §34A. This bill would expand supplemental benefits to include both §34 and §35.

Section 18 would amend §35 pertaining to partial incapacity benefits, by raising the wage benefits for injured workers 2/3 AWW of the difference between their AWW before the injury and the weekly wage they are capable of earning after the injury, *but not more than the maximum weekly compensation rate*. Currently for §35, compensation is 60% of the difference between the employee's AWW before the injury and the weekly wage earning capacity after the injury. This amount cannot exceed 75% of temporary benefits under §34 if they were to receive those benefits.

Section 19 would amend the durations allowed for §35 benefits. Currently, the maximum benefit period for partial disability is 260 weeks, but may be extended to 520 weeks. This bill would increase the maximum benefit period to 442 weeks and could be extended to "the discretion of an administrative judge."

Section 20 would amend §35A, which provides additional compensation to injured workers who have dependents. Currently, §35A provides additional compensation of \$6 per/week to injured workers who have persons dependent upon them for injuries occurring under §34, §34A, and §35. No weekly payments under this section can be greater than \$150 per week when combined with the compensation due under §34, §34A, and §35. This section of House 2854 would provide injured workers additional compensation of \$12 per/week to injured workers who had persons dependent upon them. This bill would also cap the weekly payments at \$250 per week when combined with the compensation due under §34, §34A, and §35.

Section 21 of this bill would amend §35D(5) and require that implementation of this section be subject to §8. Employment would be defined as a job that the employee is physically and mentally capable of performing, as long as it relates to the employee's work experience, education, or training either before or after the injury.

Section 22 of this bill would amend §35E. It would require that any person receiving old age benefits pursuant to federal social security law or receiving pension benefits paid by an employer should not be entitled to benefits under §35. This is unless the employee can establish that they would have remained active in the labor market.

Section 23 of this bill would amend §36(k). It would require that for bodily disfigurement, compensation will not exceed \$20,000 and will be payable in addition to other sums outlined in this legislation.

Section 24 of this bill would amend §50. Payments required by order that are not made within 60 days of being claimed by employee, dependent or other party would accrue interest at a rate of 12% per year. If sums include weekly payments, then interest will accrue on each unpaid weekly payment.

#### **H.2855 - IMPARTIAL PHYSICIANS (§11A) - APPOINTMENT - Owens-Hicks**

Section 1 of this refiled bill (previously House 3971) would amend §11A by not allowing an impartial physician to be appointed when the report of both the treating physician and the insurer's physician agree with respect to "diagnosis and etiology." (Etiology is the branch of medicine that deals with the causes of disease.)

Section 2 would limit the number of times an impartial medical examiner can be appointed to 5 times in any one month. It would further require that an insurer could not recommend the same examiner for more than a "majority of cases."

Section 3 would make any impartial medical examiner subject to the penalties provided in c.152, §14(3) (anti-fraud provisions) if they knowingly produced a false or inaccurate report to benefit the insurer.

#### **H.3027 - REMOVAL OF AJ'S & ALJ'S (c.2E, §8) - CODE OF JUDICIAL CONDUCT - Cabral, Kennedy, Swan, Murray, Tarr & Travis**

This refiled bill (previously House 3763) would require the Senior Judge, the AJ's and the ALJ's to be subject to the Code of Judicial Conduct as promulgated by the SJC. The Council has supported this bill in the past.

[Note: The American Bar Association has written and endorsed A Model Code of Judicial Conduct for State Administrative Law Judges. This code is based on the ethical code applicable to court judges but accounts for differences in responsibilities and powers of state administrative law judges as opposed to judges presiding in a court of law.]

#### **H.3028 - LUMP SUM SETTLEMENTS (§48) - APPROVAL - Cabral, Swan, Murray & Travis**

This refiled bill (previously House 3764) would remove the necessity that an employer that is an experienced modified insured approve a lump sum settlement.

#### **H.3029 - BENEFITS FOR SPECIFIC INJURIES (§36) - SCAR-BASED DISFIGUREMENT - Cabral, Swan & Travis**

This refiled bill (previously Senate 51 & House 3675) would eliminate the requirement that scar-based disfigurement appear on the face, neck or hands to be compensable. This would require compensation for all disfigurement, whether or not scar-based, regardless of its location on the body.

Section 36(k) was amended by chapter 398 to limit payments for purely scar-based disfigurement by requiring benefits only when the disfigurement is on the face, neck, or hands.

#### **H.3418 - LUMP SUM AGREEMENTS - PERMANENT PARTIAL BENEFITS - NEW SECTION (§48A) - Festa, Caracciolo, Jr., Festa & Casey**

This new bill would create a new section, 48A, that would allow an aggrieved employee to make a request to the Review Board for an emergency review of a lump sum agreement for additional Permanent Partial benefits. The following conditions would all have to be met:

- injury occurred before November 1, 1986 and liability was accepted or decided by the Review Board or Court of the Commonwealth;
- where compensation was approved and paid by lump sum agreement under §35 (partial disability) and no determination was made or specified anywhere on the lump sum agreement document, by either party, as to known or expected term of disability;
- no previous impartial medical evaluation was ordered or sought;
- where the subject injury at the time the lump sum was entered into had not reached a final medical conclusion capable of ascertainment at the time the lump sum was entered into and to a reasonable medical certainty;
- and it is contended that the subject injury later became permanent, with permanent and irreversible occupational restrictions;

- and only where no exacerbation, aggravation, or intervention of separate and distinct injury to the same body part(s) has occurred.

The Review Board would review the lump sum agreement and accompanying file. An Impartial Medical examiner would provide a report to the Review Board after reviewing all medical reports. If the Review Board finds that a permanent injury is present, they can order the insurer to pay an additional Permanent Partial disability Benefit under §35 together with any applicable dependency benefits, in a reformation of the previous lump sum agreement.

**H.3617 - DEFINITION OF EMPLOYEE (§1(4)) - EXEMPTION OF CORPORATE OFFICERS - Lepper, Gomes & Peters**

This refiled bill (previously House 1645) would amend the definition of employee by making workers' compensation coverage elective for corporate officers regardless of their duties. This proposal would especially effect small, family-run businesses where the owners typically are the only workers.

**H.4687 - PREMIUMS FOR SELF INSURED COMPANIES (§25G(1)) - Larkin**

This new bill, is intended to replace House 1511 and Senate 96 regarding Self-insured companies. This bill would require self-insured workers' compensation groups to disclose a certified financial statement of each member, including at a minimum: "a balance sheet, a profit and loss statement, a statement of change in fund position, and a statement showing the combined net worth of all members applying for coverage on the inception date of the fund." Unlike H.1511 and S.96 where the combined net worth had to be at least \$1 million dollars, H.4687 requires the combined net worth to be "an amount that establishes the financial strength and liquidity of the businesses." These requirements would not apply to self-insurance groups which have been in existence for at least five years after passage of this legislation. Furthermore, these existing (5 years) self-insurance groups would not be required to have its members experience rated.

**S.31 - COMPREHENSIVE BILL - Creedon**

This bill is similar to Senate 33 filed during the 1997 – 1998 session.

1. **Definitions (§1(1)) - Average Weekly Wage**

Section 1 would amend the definition of average weekly wage by requiring that the average weekly wage for §35 claimants, who have returned to work and suffered re-injury, must be calculated using the wage the claimant was earning at the time of the original injury.

2. **Conciliation (§10(6)) - Last Best Offer**

Section 2 would repeal §10(6) which requires that each party submit written offers stating the amount of benefits believed to be owed in cases involving a request for additional compensation, or to modify/discontinue benefits.

3. **Procedure (§7A) – Employee Unable**

Section 3 would amend §7A and state that when an employee is killed or becomes mentally unable to testify as the result of a workplace injury, a presumption is created that the claim complies with all procedural requirements, and the injury was not the result of a willful. Section 4 of the bill would require that the incapacity to testify be determined to be “the result of the injury” rather than “causally related” as it currently reads.

4. **Conference (10B) - Last Best Offer**

Section 4 would amend §19A(2(b)) by repealing the requirement that the administrative judge, at conference, implement one of the offers rendered at conciliation. It would require that the insurer submit an offer two days before the conference to the claimant. Unless the offer is accepted, the insurer would not be required to pay a referral fee under §13A.

5. **Attorney's Fees (§13A) – Last Best Offer**

Section 5 would amend §13A dealing with attorney's fees. This bill would remove all reference to the last best offer submissions.

6. **Fraudulent Conduct (§14(3)) - Duty to Reveal Knowledge of Fraud**

Section 6 would amend §14(3) dealing with fraudulent actions by stating that a person who knowingly makes a false or misleading statement or conceals knowledge of any event affecting the payment of benefits will be punished by five years imprisonment, *if they were required by law to reveal the matter*. Presumably, this is to ensure the protection of privileged information (e.g., information protected by the attorney-client privilege).

**7. Total Incapacity (§34) – Percent Allowed for Total Injury**

Section 7 of this bill would amend §34 and require the insurer to pay the injured employee 60% of his average weekly wage (AWW) before the injury, but not more or less than the maximum or minimum weekly compensation rate, if the injury is considered total. If the AWW is found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

**8. Benefits (§35) - Maximum Amount**

Section 8 would amend §35 by eliminating the requirement that partial disability benefits not exceed 75% of §34 benefits.

**9. Benefits (§35B) - Subsequent Injury**

Section 9 would amend §35B to require that an injured employee who returns to work for at least 2 months and suffers another injury, will receive benefits at the rate currently in place, whether or not the new injury is a recurrence of the former injury. Section 3 would allow the employee to opt out of this section if it would subject him/her to a lower rate of compensation.

**S.51 - EMPLOYER FINES REDUCTION (§25C) - PREFERENTIAL HIRING (§75A) - EMPLOYEE DEFINITION (§1(4)) - ELECTIVE COVERAGE OF CORPORATE OFFICERS - Lees, Rauschenbach, Knapik & Tarr**

This bill is a refile of Senate 46 and would amend §25C(2) regarding fines for failing to secure workers' compensation insurance. It would add provisions allowing the DIA Commissioner to reduce employer fines to an amount no lower than \$250 following a hearing in which there is a finding that:

- (a) the fine would have a severe negative impact on the cash flow or financial stability of the business;
- (b) weekends and holidays interrupted the employer's ability to secure coverage in a more timely fashion;
- (c) the business was unable to secure voluntary coverage, thus delaying their application to the Massachusetts Workers' Compensation Assigned Risk Pool for coverage; or
- (d) the amount of annual premium for worker's compensation coverage is less than the amount of fines imposed by the DIA under the stop work order.

Section 2 of the bill, would amend §75A, which requires employers to give preference in hiring to injured employees applying for re-employment. This bill would relieve the rehiring requirement if the injured employee has been employed by another employer for more than six months since the date of injury.

Section 3 of the bill would amend §1(4). It would make the coverage of corporate officers elective.

**S.53 - DEFINITION OF EMPLOYEE (§1(4)) - ELECTIVE COVERAGE OF CORPORATE OFFICERS - Rauschenbach, Tisei & Knapik**

This bill is similar to Senate 46 filed last legislative session.

It would make coverage of corporate officers and employees who are immediate family members, who are also sole executive officers, elective.

**S.54 - ENHANCING EMPLOYMENT OPPORTUNITIES FOR FORMER DTA CLIENTS (§65) - DEFINITION OF EMPLOYMENT (c.151A) - Lees**

This new bill would establish a special trust fund known as the Workers' Compensation Transitional Assistance Fund for the first 12 months of a client's discharge from the DTA. Employers' hiring former DTA clients would be exempt from paying workers' compensation assessments for that employee.

**S.56 - BENEFITS FOR SPECIFIC INJURIES (§36) - SCAR-BASED DISFIGUREMENT - Lynch, O'Flaherty, Koczera & Moore**

This bill is a refile of House 3765 and Senate 51 filed during the 1997 – 1998 session. It would eliminate the requirement that scar-based disfigurement appear on the face, neck or hands to be compensable. This would require compensation for all disfigurement, whether or not scar-based, regardless of its location on the body.

Section 36(k) was amended by chapter 398 to limit payments for purely scar-based disfigurement by requiring benefits only when the disfigurement is on the face, neck, or hands.

**S.67 - EMPLOYER FINES (§25C) - INCREASE - Lynch, Hart, & Koczera**

This bill is a refile of House 1840 filed during the 1997 – 1998 session.

Section 1 increases civil penalty to three times the premium the violating employer would have paid in the assigned risk pool for the entire period it operated without insurance. If the period is seven days or less, the fine imposed would total \$250 for each day the employer lacked insurance.

Section 2 deletes provisions, which require a higher fine for employers who appeal a stop work order, and are found to lack insurance after a hearing.

Section 3 increases the criminal fines for failure to carry insurance to \$5,000 for a first offense and \$10,000 for a second offense. Stipulates that no finding of criminal intent is necessary to prove a violation. It also requires that fines be ordered in addition to restitution to be paid to the DIA Trust Fund.

Section 4 enables a civil cause of action for loss of a competitive bid to be brought as an unfair or deceptive business practice under c. 93A. It also allows for treble damages rather than the current \$15,000 maximum award.

Section 5 amends §65 to require that stop work order fines be deposited in the private employer trust.

Section 6 creates a 90-day amnesty program for violating employers to obtain insurance. Requires the Commissioner of the DIA, the Commissioner of Insurance, the Insurance Fraud Bureau and the Massachusetts Workers' Compensation Rating and Inspection Bureau to implement a promotional campaign to advise employers about the amnesty period, the workers' compensation insurance requirement, and the penalties. It would also encourage the general public to report suspected violators.

**S.68 - DEFINITION OF AVERAGE WEEKLY WAGES (§1(1)) - RETURN TO WORK - ATTORNEY'S FEES (§13A) - ELIMINATE CONSIDERATION OF OFFERS AT CONCILIATION – Lynch & Hart**

This bill is a refile of Senate 53. Section 1 of this bill addresses injured employees who return to work (without a lump sum settlement) and receive wages that are less than the pre-injury wages. This bill would apply the prior average weekly wage to any subsequent period of incapacity, whether or not such incapacity was the result of a new injury, or subsequent injury as set forth in §35B.

Section 2 of this bill would eliminate consideration of the last best offer in awarding attorney's fees when the insurer files for discontinuance of benefits or refuses initial payment. Currently, the claimant's attorney is only entitled to payment if the administrative judge accepts the offer of the claimant or the amount submitted by the conciliator.

**S.69 - IMPARTIAL EXAMINATIONS (§11A) - NEW SECTION (§9C) - Lynch & Hart**

This bill is a refile of Senate 54. It would create a new section (§9C) to allow an AJ or ALJ to appoint an impartial physician to examine and report on a claimant's condition prior to a conference or hearing. [Currently, under §8(4), an impartial physician can be requested at the conference stage only at the request of the insurer after the 180-day pay without prejudice period has expired.]

This bill also replaces language for §11A on impartial exams. It would remove the C. 398 requirement that an impartial exam be conducted whenever "a dispute over medical issues is the subject of a conference order." Under this bill, appointment of an impartial physician would be at the discretion of the AJ or ALJ. It also requires that the report indicate whether employment is the predominant contributing cause for mental or emotional disability.

This bill would expand the role of the impartial physician by requiring that the physician make a determination about causation, whether or not the determination can be made with a reasonable degree of medical certainty. Moreover, the causation standard would change from whether the work-related injury was the "major or predominant contributing cause" of the disability, to whether the work-related injury was "probably caused or was contributing cause" of the disability. The standard would therefore be eased.

The report from §9C must be entered into evidence at the hearing, and the current requirement that it be treated as prima facie evidence is eliminated. This means that the impartial report must not be the only medical evidence presented to the AJ, but that medical evidence from the employee's treating physician and insurer reports may be entered as well.



The deposing party would pay the fee for any deposition. However, if the decision of the AJ is in favor of the employee, the cost of the deposition would be added to the amount awarded to the employee.

**S.70 - RATE OF REIMBURSEMENT - HEALTH CARE SERVICES (§13) - Lynch & Hart**

This bill is a refile of Senate 55. Section 1 deletes the current language in §13 and replaces it with simpler language. It states that the Rate Setting Commission (now called Division of Health Care Finance & Policy) must establish the maximum reimbursement rates for hospitalization and all other health care services, and that no insurer may be held liable for any charge greater than those established rates.

The bill would eliminate the ability for insurers and medical providers to negotiate rates. It would remove the "regardless of setting" provision thereby allowing hospitals to set rates higher than non-hospital facilities. It would remove the requirement that providers sign bills with their license numbers, and the removal of the adherence to federal "safe harbor" regulations. Further, all provisions regarding treatment protocols, utilization review and the establishment of the Health Care Services' Board would be deleted.

**S.71 - ATTORNEY'S FEES (§13A(10)) - AGREEMENTS TO PAY BENEFITS (§19) - Lynch & Hart**

This bill is a refile of Senate 56 filed last legislative session.

Section 1 of this bill would allow attorneys to collect fees for advancing an employee's rights under §75A (preferential hiring of injured workers) and §75B (protections against handicap discrimination), in addition to any attorney's fees owed under §13A.

Section 2 of this bill adds two new subsections to §19. It would allow any administrative judge, administrative law judge or conciliator to approve any agreement to pay benefits authorized by §19. It would also allow an agreement to include a pay without prejudice clause. (See House 654 of the last legislative session.)

Section 3 of this bill would amend §34 and require the insurer to pay the injured employee 60% of his average weekly wage (AWW) before the injury, but not more or less than the maximum or minimum weekly compensation rate, if the injury is considered total. If the AWW were found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

Section 4 of this bill would amend §34A and require the insurer to pay the injured employee two-thirds of his AWW before the injury, but not more or less than the maximum or minimum weekly compensation rate if the injury is considered permanent and total. If the AWW were found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

**S.75 - CREATING A WORKERS' COMPENSATION INSURANCE FUND - NEW SECTION (§53B) - Lynch, Slattery, Tolman & Walsh (AFL-CIO)**

This bill is a refile of House 1449 filed during the last legislative session. It would create a non-profit independent public corporation to provide workers' compensation insurance as an alternative to insurance secured through the private market, and also to serve as the carrier of last resort.

**S.79 - NEW G.L. CHAPTER - INSURANCE DISCOUNTS FOR DRUG FREE WORKPLACE PROGRAMS - Magnani, Stefanini & Jajuga**

This bill is similar to Senate 59 filed during the last legislative session. It would require that employers who implement a drug-free workplace program receive a 5% discount on workers' compensation premium. Employers would have to comply with the standards and procedures set forth in the legislation and all applicable rules adopted by the DIA.

**S.96 - SELF-INSURED WORKERS' COMPENSATION GROUPS (§25G(1)) - Rauschenbach, Lees & Berry**

This new bill would amend §25G(1) and require that a statement disclose the combined net worth of all self-insured members. The combined net worth should always be at least \$1 million dollars and equal at least four times the group's standard premium.

**S.102 - MEDICAL SERVICES (§30) - Tarr**

This new bill would amend §30 by eliminating the requirement that the employee report to a physician within a preferred provider arrangement (PPA) for his/her first scheduled appointment.

### **S.103 - CREATION OF PILOT PROGRAM ON LIMITED PROVIDER NETWORKS - Tarr & Verga**

These new identical bills would authorize the Commissioner of the Department of Labor and Industries to develop a pilot program designed to evaluate the potential of limited provider networks to control costs and maintain quality care. Participation would include no more than 20 small employers and should be representative of small employers across the Commonwealth. An open and competitive process must be used in selecting an insurance carrier to run the program.

### **S.105 - ANNUAL REPORT BY DEPARTMENT OF LABOR & INDUSTRIES (c.149 §14A) - Tarr & Verga**

This new bill would require the Department of Labor and Industries to evaluate each month in a calendar year of workers' compensation claims. They would be required to file an annual report with the House and Senate Committees on Ways and Means no later than December thirty-first. The report should include:

- Trends
- Frequency of claims
- Average cost of claims
- Types of accidents reported
- Recommendations to improve system based on evaluation of report

### **S.115 - IMPROVEMENT OF PAYMENT OF MEDICAL TREATMENT**

#### **(c. 175, §108) - AMEND (c.152, §46A) - AMEND (c.93A, §9) AMEND (c.152, §24) - Tolman**

Section 1 of this new bill would require insurers to pay for an accident or injury prior to determination as to whether the injury is work related. If it later proven that the injury is work related, the insurer should have subrogation rights pursuant to M.G.L. c.152, §46A.

Section 2 of this bill would allow the health insurer to enforce its right of subrogation against the workers' compensation carrier through arbitration.

Section 3 of this bill would mandate it to be an unfair and deceptive trade practice if a workers' compensation insurer, self-insurer, or self-insurance group unreasonably delays medical payment after liability, agreement, or an order to pay has been issued by the DIA.

Section 4 of this bill would require that an employee not be limited to the remedies in Chapter 152 when a workers' compensation insurer, self-insurer, or self-insurance group unreasonably delays medical payment after liability, agreement, or an order to pay has been issued by the DIA.

### **S.1227 - ACTUARIAL STUDY OF WORK RELATED DISABILITIES - Jajuga, Dempsey & Murray**

This bill would require the Treasurer of the Commonwealth to conduct an actuarial study of the costs of presumption of work related disability from infectious diseases of members of Group 4 of the state retirement system within 6 months passage of this act.

### **S.1970 - EMPLOYER FINES (§25C)- INCREASE - Lynch**

This bill is a newly revised version of S.67 filed this legislative session. Changes from S.67 are in bold. Note: §4 of S.67 has been entirely eliminated.

Section 1 increases civil penalty to three times the premium the violating employer would have paid in the assigned risk pool for the entire period it operated without insurance. If the period is seven days or less, **and the employer is a merit rated employer, or the employer does not qualify for merit rating or experience rating, as determined by the workers' compensation rating and inspection bureau**, the fine imposed would total \$100 for each day the employer lacked insurance.

If said period is determined to be 7 business days or less, **and the employer is an experience rated employer, as determined by the workers' compensation rating and inspection bureau**, the employer shall pay into the private employer trust fund \$250 for each day the employer failed to secure insurance or self-insurance. **An employer shall provide evidence to the department evidencing his classification or rating determination by the workers' compensation rating and inspection bureau.**

Section 2 deletes provisions, which require a higher fine for employers who appeal a stop work order, and are found to lack insurance after a hearing.

Section 3 increases the criminal fines for failure to carry insurance to \$5,000 for a first offense and \$10,000 for a second offense **and subsequent offenses**. Stipulates that no finding of criminal intent is necessary to prove a violation. It also requires that fines be ordered in addition to restitution to be paid to the DIA Trust Fund.

Section 4 amends §65 to require that stop work order fines be deposited in the private employer trust.

Section 5 creates a 90-day amnesty program for violating employers to obtain insurance. Requires the Commissioner of the DIA, the Commissioner of Insurance, the Insurance Fraud Bureau and the Massachusetts Workers' Compensation Rating and Inspection Bureau to implement a promotional campaign to advise employers about the amnesty period, the workers' compensation insurance requirement, and the penalties. It would also encourage the general public to report suspected violators.

## **APPENDIX K**

### **Joint Committee on Commerce & Labor - FY'99**

**Senator Stephen F. Lynch** (Chair)  
State House – Room 312-D  
Boston, MA 02133-1053  
(617) 722-1150

**Senator Dianne Wilkerson**  
State House – Room 312-C  
Boston, MA 02133-1053  
(617) 722-1673

**Senator Susan C. Tucker**  
State House – Room 416-A  
Boston, MA 02133-1053  
(617) 722-1612

**Rep. Peter J. Larkin** (Chair)  
State House – Room 43  
Boston, MA 02133-1053  
(617) 722-2030

**Representative Anthony P. Giglio**  
State House – Room 172  
Boston, MA 02133-1053  
(617) 722-2305

**Representative Demetrius J. Atsalis**  
State House – Room 167  
Boston, MA 02133-1053  
(617) 722-2692

**Representative Stephen P. LeDuc**  
State House – Room 38  
Boston, MA 02133-1053  
(617) 722-2470

**Representative Thomas J. O'Brien**  
State House – Room 33  
Boston, MA 02133-1053  
(617) 722-2060

**Representative Viriato M. deMacedo**  
State House – Room 443  
Boston, MA 02133-1053  
(617) 722-2460

**Senator David P. Magnani**  
State House - Room 413-A  
Boston, MA 02133-1053  
(617) 722-1640

**Senator Marc R. Pacheco**  
State House - Room 413-B  
Boston, MA 02133-1053  
(617) 722-1551

**Senator Robert L. Hedlund**  
State House - Room 413-E  
Boston, MA 02133-1053  
(617) 722-1646

**Representative Michael J. Rodrigues**  
State House - Room 43  
Boston, MA 02133-1053  
(617) 722-2030

**Rep. Thomas A. Golden, Jr.**  
State House – Room 146  
Boston, MA 02133-1053  
(617) 722-2575

**Representative Brian Knuuttila**  
State House - Room 443  
Boston, MA 02133-1053  
(617) 722-2460

**Representative Charles A. Murphy**  
State House - Room 236  
Boston, MA 02133-1053  
(617) 722-2430

**Representative Thomas N. George**  
State House - Room 130  
Boston, MA 02133-1053  
(617) 722-2130

## **APPENDIX L**

### **The Governor's Council**

Room 184, State House  
Boston, MA 02133  
(617) 727-2756

The Massachusetts Governor's Council, also known as the Executive Council, is comprised of eight individuals elected from districts, and the Lt. Governor who serves ex officio. The eight councilors are elected from their respective districts every two years. Each councilor is paid \$15,000 annually plus certain expenses.

The Council generally meets at noon on Wednesdays in its State House Chamber, next to the Governor's Office, to act on such issues as payments from the state treasury, criminal pardons and commutations, and approval of gubernatorial appointments; such as judges, notaries, and justices of the peace.

The Governor's Council is responsible for approving all Administrative Judges and Administrative Law Judges at the Department of Industrial Accidents.

**Michael J. Callahan**  
500 Salem Street  
Medford, MA 02155  
Res: (781) 393-9890

**David F. Constantine**  
285 Tarkiln Hill Road  
New Bedford, MA 02745  
Res: (508) 998-1321  
Bus: (508) 998-1322

**Marilyn Petitto Devaney**  
98 Westminster Avenue  
Watertown, MA 02472  
Res: (617) 923-0778  
Fax: (617) 926-6001

**Patricia A. Dowling**  
P.O. Box 322  
North Andover, MA 01845  
Bus: (508) 683-3302

**Christopher A. Iannella**  
263 Pond Street  
Boston, MA 02130  
Bus: (617) 227-1538  
Fax: (617) 742-1424

**Dennis P. McManus**  
1112 West Boylston Street  
Worcester, MA 01606  
Bus: (508) 854-1670

**Edward M. O'Brien**  
10 Dragon Circle  
Easthampton, MA 01027  
Bus: (413) 527-4600

**Kelly A. Timilty**  
30 Green Lodge Street  
Canton, MA 02021  
Bus: (617) 828-6363

## APPENDIX M

### HEALTH CARE SERVICES BOARD 1999 MEMBERS

<b>Dean M. Hashimoto, M.D., J.D.</b>	<i>CHAIR, Ex-Officio Member</i>
<b>Henry W. DiCarlo</b>	<i>VICE-CHAIR, Employers' Representative</i>
<b>David S. Babin, M.D.</b>	<i>Physician Representative</i>
<b>M. Patricia Crane, M.P.A.</b>	<i>Hospital Administrative Representative</i>
<b>William F. Fishbaugh, Jr., M.D.</b>	<i>Physician Representative</i>
<b>Peter A. Hyatt, D.C.</b>	<i>Chiropractic Representative</i>
<b>Charles E. Lutton, M.D., Ph.D.</b>	<i>Physician Representative</i>
<b>Daniel J. McNichol</b>	<i>Public Representative</i>
<b>L.Christine Oliver, M.D.</b>	<i>Physician Representative</i>
<b>Edgar L. Ross, M.D.</b>	<i>Physician Representative</i>
<b>William P. Ryan</b>	<i>Employee Representative</i>
<b>Bernard S. Yudowitz, M.D., J.D.</b>	<i>Physician Representative</i>

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Members may be reached c/o:

**Department of Industrial Accidents**  
Health Care Services Board  
600 Washington Street, 7<sup>th</sup> Floor  
Boston, MA 02111  
Tel: (617) 727-4900 ext.: 310 or 574  
Fax: (617) 438-2176

## **APPENDIX N**

**FISCAL YEAR 1999**

### **DEPARTMENT OF INDUSTRIAL ACCIDENTS ORGANIZATIONAL CHART**

**(Appendix N is unavailable online. Please contact the Advisory  
Council if you would like a copy of this Appendix.)**

# APPENDIX O

## COLLECTIONS AND EXPENDITURES REPORT - FISCAL YEAR 1998

<i>SPECIAL FUND</i>	<i>FY'98</i>	<i>FY'97</i>	<i>FY'96</i>	<i>FY'95</i>	<i>FY'94</i>
<b><u>COLLECTIONS</u></b>					
INTEREST	931,367	945,546	998,971	585,191	365,817
ASSESSMENT	14,143,523	14,518,007	16,915,362	21,084,055	17,537,534
LESS RET. CHECKS	0	0	(26,640)	(44)	0
ADJUSTMENTS			0	(3,241)	
LESS REFUNDS	(10,600)	(12,825)	(67,265)	(10,354)	(98,514)
<b>SUB-TOTAL</b>	<b>14,132,923</b>	<b>14,505,182</b>	<b>16,821,457</b>	<b>21,070,416</b>	<b>17,439,020</b>
FILING FEES	3,698,202	3,974,703	3,970,484	3,281,447	4,744,199
COLLECTION FEE	(4,429)	(33,414)	(16,205)	(10,354)	
LESS RET. CHECKS	(2,276)	(3,228)	(80,608)	(2,566)	(4,447)
LESS REFUNDS	(4,497)	(3,721)	(4,579)	(3,014)	(5,192)
<b>SUB-TOTAL</b>	<b>3,687,000</b>	<b>3,934,340</b>	<b>3,869,092</b>	<b>3,805,513</b>	<b>4,734,560</b>
1ST REPORT FINES	284,457	391,801	377,109	665,226	402,442
LESS COLLECTION FEE	(4,231)	(24,033)	(12,072)	(9,218)	
LESS RET. CHECKS	(200)	(1,900)	(700)	(1,200)	(300)
LESS REFUNDS	(400)	(600)	(500)	(1,500)	(2,200)
<b>SUB-TOTAL</b>	<b>279,626</b>	<b>365,268</b>	<b>363,837</b>	<b>653,308</b>	<b>399,942</b>
STOP WORK ORDERS	655,233	432,640	292,175		
LESS REFUNDS	0	(225)			
LESS BAD CHECKS	(59,718)	(11,322)	(3,600)		
COLLECTION FEE	(73,660)	(9,180)	(2,460)		
<b>SUB-TOTAL</b>	<b>521,855</b>	<b>411,913</b>	<b>286,115</b>		
LATE ASSESS. FINES	42,422	50,350	97,865	25,701	33,822
STOP WORK ORDERS			see above	370,271	166,600
SEC. 7 & 14 FINES	14,000	5,018	5,118	10,400	0
MISCELLANEOUS	19,876	19,681	22,899	12,876	7,867
LESS REFUND SEC.7 FINE	(3,900)				
<b>SUB-TOTAL</b>	<b>72,398</b>	<b>75,049</b>	<b>125,882</b>	<b>419,248</b>	<b>208,289</b>
<b>TOTAL COLLECTIONS</b>	<b>19,625,169</b>	<b>20,237,298</b>	<b>22,465,354</b>	<b>26,533,676</b>	<b>23,147,628</b>
BALANCE BRGT FWD	11,836,705	13,724,400	12,044,652	6,015,882	3,035,890
<b>TOTAL</b>	<b>31,461,874</b>	<b>33,961,698</b>	<b>34,510,006</b>	<b>32,549,558</b>	<b>26,183,518</b>
LESS EXPENDITURES	(20,546,414)	(22,124,993)	(20,785,606)	(20,504,906)	(20,167,636)
<b>BALANCE</b>	<b>10,915,460</b>	<b>11,836,705</b>	<b>13,724,400</b>	<b>12,044,652</b>	<b>6,015,882</b>
<b><u>EXPENDITURES</u></b>					
SALARIES	12,461,842	12,675,242	11,966,331	11,432,627	10,984,604
FRINGE BENEFITS	3,595,185	3,661,402	3,703,858	3,613,307	3,513,989
INDIRECT COSTS	366,570	526,447	498,563	501,84170	578,985
NON-PERSONNEL COSTS	4,079,325	5,235,003	4,613,724	4,954,835	5,093,478
FY'96 ADJUSTMENT		26,899			
PRIOR YEAR DEFICIENCY			3,130		
IP INDIRECT-EX	43,492				
<b>SUB-TOTAL</b>	<b>20,546,414</b>	<b>22,124,993</b>	<b>20,785,606</b>	<b>20,502,616</b>	<b>20,171,056</b>
misc.				2,290	(3,420)
<b>TOTAL EXPENDITURES</b>	<b>20,546,414</b>	<b>22,124,993</b>	<b>20,785,606</b>	<b>20,504,906</b>	<b>20,167,636</b>



### COLLECTIONS AND EXPENDITURES REPORT - FISCAL YEAR 1998

<i>PUBLIC TRUST</i>	<i>FY'98</i>	<i>FY'97</i>	<i>FY'96</i>	<i>FY'95</i>	<i>FY'94</i>
<b><u>COLLECTIONS</u></b>					
INTEREST		0	0	0	53,222
SECTION 30H		0	0	4,192	0
ASSESSMENTS	2,810,405	2,493,610	2,064,334	1,419,799	819,613
REFUNDS		(7,834)	(46,712)	(9,024)	(93)
BD CHECKS	(12,133)				
<b>TOTAL ASSESSMENTS</b>	<b>2,798,272</b>	<b>2,485,776</b>	<b>2,017,622</b>	<b>1,410,775</b>	<b>819,520</b>
TOTAL COLLECTIONS	2,798,272	2,485,776	2,017,622	1,414,967	872,742
BALANCE BRGT FWD	415,444	202,743	167,910	285,328	2,291,964
<b>TOTAL</b>	<b>3,213,716</b>	<b>2,688,519</b>	<b>2,185,532</b>	<b>1,700,295</b>	<b>3,164,706</b>
LESS EXPENDITURES	(3,210,638)	(2,273,075)	(1,982,790)	(1,532,385)	(2,879,379)
<b>BALANCE</b>	<b>3,078</b>	<b>415,444</b>	<b>202,742</b>	<b>167,910</b>	<b>285,327</b>
<b><u>EXPENDITURES</u></b>					
RR COLAS	2,764,902	1,910,048	1,779,911	1,514,040	2,621,503
OEVR sec 30H			0	0	0
RR SEC. 37	445,736	363,027	142,513	18,345	254,676
RR LATENCY CLAIMS	0	0	0	0	3,200
RR REHAB	0	0	366		
SHELBY CLAIMS			60,000		
MM IME SEC 37	0	0	0		
<b>TOTAL EXPENDITURES</b>	<b>3,210,638</b>	<b>2,273,075</b>	<b>1,982,790</b>	<b>1,532,385</b>	<b>2,879,379</b>

<i>PRIVATE TRUST</i>	<i>FY'98</i>	<i>FY'97</i>	<i>FY'96</i>	<i>FY'95</i>	<i>FY'94</i>
<b><u>COLLECTIONS</u></b>					
INTEREST	468,719	626,082	1,390,938	620,028	354,842
ASSESSMENTS	43,554,841	38,664,243	33,891,287	30,147,213	28,974,039
LESS RET. CHECKS	0	0	(6,956)	(2,129)	0
ADJUSTMENTS			0	(92,088)	
LESS REFUNDS	(13,060)	(30,513)	(151,983)	(5,285)	(160,718)
<b>SUB-TOTAL</b>	<b>43,541,781</b>	<b>38,633,730</b>	<b>33,732,348</b>	<b>30,047,711</b>	<b>28,813,321</b>
REIMBURSEMENTS	1,255,128	1,673,509	1,346,814	1,129,709	1,029,263
PLUS ADJUSTMENTS			0	95,899	
LESS COLLECTION FEE	0	(1,739)	(74,462)	(23,739)	
LESS ADJUST. COLL. FEE				(3,810)	
RET. CHECK	(1,733)	(18,109)	(5,588)	(4,772)	(200)
REFUNDS	0	(6,414)	(1,548)		
<b>SUB-TOTAL</b>	<b>1,253,395</b>	<b>1,647,247</b>	<b>1,265,216</b>	<b>1,193,287</b>	<b>1,029,063</b>
<b>MISC.</b>		<b>0</b>	<b>18,989</b>		
<b>SEC. 30 H</b>	<b>9,386</b>	<b>0</b>	<b>8,000</b>	<b>54,215</b>	<b>41,842</b>
<b>TOTAL COLLECTIONS</b>	<b>45,273,281</b>	<b>40,907,059</b>	<b>36,415,491</b>	<b>31,915,241</b>	<b>30,239,068</b>
BALANCE BRGT FWD	7,895,008	6,567,009	12,588,262	12,363,485	7,588,112
<b>TOTAL</b>	<b>53,168,289</b>	<b>47,474,068</b>	<b>49,003,753</b>	<b>44,278,726</b>	<b>37,827,180</b>
LESS EXPENDITURES	(42,762,666)	(39,579,060)	(42,436,743)	(31,690,464)	(25,463,695)
<b>BALANCE</b>	<b>10,405,623</b>	<b>7,895,008</b>	<b>6,567,010</b>	<b>12,588,262</b>	<b>12,363,485</b>

### COLLECTIONS AND EXPENDITURES REPORT - FISCAL YEAR 1998

<i>EXPENDITURES</i>	<i>FY'98</i>	<i>FY'97</i>	<i>FY'96</i>	<i>FY'95</i>	<i>FY'94</i>
RR SEC. 34	758,066	710,675	1,445,378	2,646,319	2,591,989
RR SEC. 35	652,752	699,467	828,384	750,064	795,556
RR LUMP SUM	711,594	1,180,308	2,112,194	1,575,454	1,373,464
RR SEC. 36 *	138,693	73,236	342,590	182,747	484,297
RR SEC. 31	120,908	106,268	93,383	69,115	109,928
RR SEC. 34, PERM. TOTAL	177,892	125,571	32,234		
RR COLA ADJ	113,576	113,192	100,838	123,267	12,459
RR EE MEDICAL REIMB.	59,556	48,911	49,961	64,091	29,158
RR EE TRAVEL	866	194	980	2,682	5,627
RR EE MISC. EXPENSE	0	0	669	32,638	
RR EE BOOKS & SUPPLIES	0	0	210	176	0
RR FUNERAL EXPENSES	0	0	4,000	480	8,000
RR VETERANS SERVICES	1,000	0	0	1,522	4,690
RR LEGAL FEES	288,070	364,741	725,505	499,328	716,184
RR LEGAL EXPENSES	31,934	44,299	66,294	44,002	72,862
RR LEGAL MISC. / OTHER	8,197	8,489			
RR MEDICAL EXPENSES	0	953	4,899	1,463,797	1,797,948
RR REHAB SERVICES	8,957	11,804	16,031	47,893	5,172
RR REHAB. SERV. TRAVEL	199	398	613	1,319	323
RR LABOR MARKET STUDY	19,946	20,076	26,142		
RR REHAB (OLD)	654	1,190			
RR MEDICAL	1,629,352	1,087,517	1,479,997		
RR MEDICAL RECORDS	1,584	1,992	315		
RR WELFARE LIENS	170,408	54,545	342,996	0	209,069
<b>SUB-TOTAL RR</b>	<b>4,894,204</b>	<b>4,653,826</b>	<b>7,673,613</b>	<b>7,504,894</b>	<b>8,216,726</b>
<b>KK EQUIPMENT</b>	<b>0</b>	<b>0</b>	<b>20,995</b>		
<b>MM TUITION</b>	<b>0</b>	<b>1,644</b>	<b>6,403</b>	<b>940</b>	<b>2,828</b>
<b>SUB-TOTAL CLAIMANTS</b>	<b>4,894,204</b>	<b>4,655,470</b>	<b>7,701,011</b>	<b>7,505,834</b>	<b>8,219,554</b>
<b><i>INSURERS</i></b>					
RR COLAS	18,008,554	13,701,773	11,844,247	12,741,936	10,924,588
RR SHELBY CLAIMS	595,938	1,844,665	6,723,487		
RR LATENCY SEC. 35	873,477	927,940	702,996	749,166	4,768,138
RR LEGAL FEE SEC. 35	126,800	165,445	163,488	113,783	
RR LEGAL EXP. SEC. 35	0	0	1,770		
RR SEC. 37	16,424,976	16,479,884	13,260,236	8,487,924	699,185
<b>SUB-TOTAL INSURERS</b>	<b>36,029,745</b>	<b>33,119,707</b>	<b>32,696,224</b>	<b>22,092,809</b>	<b>16,391,911</b>
<b>TOTAL LEGAL</b>	<b>40,923,949</b>	<b>37,775,177</b>	<b>40,397,235</b>	<b>29,598,643</b>	<b>24,611,465</b>
<b><i>OEVR</i></b>					
JJ IME CORP.	0	0	280	450	
MM TUITION	3,520	12,055	0	2,500	9,440
RR REHAB-30H	5,514	8,564	363	6,018	1,530
RR TRAVEL REHAB	229	308	0	114	
RR EE TRAVEL	262	0	0	0	0
RR EE BOOKS & SUPPLIES	4,727	402	0	194	0
<b>SUB-TOTAL OEVR</b>	<b>14,252</b>	<b>21,329</b>	<b>643</b>	<b>9,276</b>	<b>10,970</b>
<b>TOTAL BENEFITS</b>	<b>42,762,666</b>	<b>37,796,506</b>	<b>40,397,878</b>	<b>29,607,919</b>	<b>24,622,435</b>

**COLLECTION AND EXPENDITURE REPORT - FISCAL YEAR 1998**

<i>EXPENDITURES DEFENSE OF THE FUND</i>	<i>FY'98</i>	<i>FY'97</i>	<i>FY'96</i>	<i>FY'95</i>	<i>FY'94</i>
AA PERSONELL	830,029	744,871	579,854	495,141	306,588
AA OVERTIME	0	765	15,598		
<b>SUB-TOTAL</b>	<b>830,029</b>	<b>745,636</b>	<b>595,452</b>	<b>495,141</b>	<b>306,588</b>
DD FRINGE	240,327	211,276	180,849	151,436	100,412
DD UNIVERSAL HEALTH	391	640	650	624	155
DD MEDICARE	10,553	9,008	8,006	5,984	4,197
DD UNEMPLOYMENT	2,073	2,237	2,354		
<b>SUB-TOTAL</b>	<b>253,344</b>	<b>223,161</b>	<b>191,859</b>	<b>158,044</b>	<b>104,764</b>
BB TRAVEL	10,150	10,657	7,013	7,926	834
BB TRAINING/TUITION	170	1,325	4,690	1,035	110
BB PETTY CASH	30	50			
<b>SUB-TOTAL</b>	<b>10,350</b>	<b>12,032</b>	<b>11,703</b>	<b>8,961</b>	<b>944</b>
<b>CC CONSULTANT</b>		<b>7,972</b>	<b>7,290</b>		
EE MV RENTALS	271	57	800	69	542
EE ADVERTISING	0	430	482	0	355
EE BOOKS/SUPPLIES	11,457	20,586	59,868	364,826	2,914
EE PETTY CASH REIMB.		15	59	25	
EE IMPARTIAL APPEALS	17,300	16,900	19,580	19,125	10,575
EE CENTRAL REPRO.	0	0	500	1,240	
EE OMIS CHARGEBACK	4,600	6,681	9,713	3,999	
EE CONF. INCIDENTALS			54		
EE CELLULAR PHONES	905	829	1,083	2,454	
EE AT&T	71				
EE TELEPHONE & FAX	9,134				
EE POSTAGE	8,450				
EE INDIRECT COSTS REIMB.	33,709				
<b>SUB-TOTAL</b>	<b>85,897</b>	<b>45,498</b>	<b>92,139</b>	<b>391,738</b>	<b>14,386</b>
HH CONSULTANTS	151,209	276,030	598,532	358,301	191,494
<b>SUB-TOTAL</b>	<b>151,209</b>	<b>276,030</b>	<b>598,532</b>	<b>358,301</b>	<b>191,494</b>
JJ OPERATIONAL SERV.	295,302	386,539	457,853	244,357	48,309
<b>SUB-TOTAL</b>	<b>295,302</b>	<b>386,539</b>	<b>457,853</b>	<b>244,357</b>	<b>48,309</b>
GG BOSTON LEASE	146,846				
GG ELECTRICITY	6,460				
KK EQUIPMENT	0	26,054	16,060	221,438	19,270
LL ACTION TRANS., INC			620		
LL PRAXIS	6,300	6,396			
LL XEROX	6,627	4,730			
LL MOBIL COMM	36	39	24		
LL ORACLE	11,220				
LL SIMPLEX	102				
LL FAIRCHILD	1,517				
LL PYRAMID	2,702				
<b>SUB-TOTAL</b>	<b>181,810</b>	<b>37,219</b>	<b>16,704</b>	<b>221,438</b>	<b>19,270</b>

(CONTINUED ON NEXT PAGE)

### COLLECTIONS AND EXPENDITURES REPORT - FISCAL YEAR 1998

<i>EXPENDITURES DEFENSE OF THE FUND</i>		<i>FY'98</i>	<i>FY'97</i>	<i>FY'96</i>	<i>FY'95</i>	<i>FY'94</i>
MM	IME'S IND.				0	0
	IME'S CORP.				142,461	144,505
	IME'S CORP. INT.				1,208	
	IME'S CORP. SEC. 37				42,748	
RR	PENALTIES SEC. 8	16,524	0	10,600	2,800	11,000
RR	BEARAK REPORTS		48,467	54,809	15,348	
RR	SECTION 50 INTEREST		0	1,924		
<b>SUB-TOTAL</b>		<b>16,524</b>	<b>48,467</b>	<b>67,333</b>	<b>204,565</b>	<b>155,505</b>
<b>TOTAL DEFENSE OF FUND</b>		<b>1,824,465</b>	<b>1,782,554</b>	<b>2,038,865</b>	<b>2,082,545</b>	<b>841,260</b>
<b>TOTAL EXPENDITURES</b>		<b>44,587,131</b>	<b>39,579,060</b>	<b>42,436,743</b>	<b>31,690,464</b>	<b>25,463,695</b>

\* Stop work order fines transferred to Special Fund from Private Trust Fund in FY'94.